

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 FOR THE COUNTY OF YAVAPAI

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STATE OF ARIZONA,)

Plaintiff,)

vs.)

Case No. V1300CR201080049

JAMES ARTHUR RAY,)

Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
 BEFORE THE HONORABLE WARREN R. DARROW

TRIAL DAY FORTY-SIX

MAY 26, 2011

Camp Verde, Arizona

ORIGINAL

REPORTED BY
 MINA G. HUNT
 AZ CR NO. 50619
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI

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4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs.) Case No. V1300CR201080049
7 JAMES ARTHUR RAY,)
8 Defendant.)
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1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Thursday, May 26,
3 2011, at Yavapai County Superior Court, Division
4 Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
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PROCEEDINGS

THE COURT: We're on the record in State versus James Arthur Ray. Mr. Ray is present with his attorneys, Mr. Kelly, Mr. Li, and Ms. Do. The state's represented by Ms. Polk and Mr. Hughes. The jury has returned.

Good morning, ladies and gentlemen. It's been some time. I just want to ask if anybody has had any concerns or issues concerning the admonition in the rather long break we've had?

Okay. I did get word that apparently -- I know we talked in voir dire about people having back or orthopedic problems. I understand that one or more may be having some of those issues. If you need a break, please let me know. If you need to stand just in place, quietly you can do that as well.

Please speak up if you're in any discomfort at all.

So if the parties are ready to proceed.

Ms. Polk.

MS. POLK: Good morning, Your Honor.

THE COURT: Good morning.

MS. POLK: The state calls Brandy Rainey.

THE COURT: Good morning. Please step to the

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front of the courtroom where the bailiff is directing you.

Raise your hand and be sworn by the clerk.

BRANDY RAINEY,
having been first duly sworn upon her oath to tell the truth, the whole truth, and nothing but the truth, testified as follows:

THE COURT: Please be seated here to my right.

Please begin by stating and spelling your full name.

THE WITNESS: Brandy Rainey; B-r-a-n-d-y, R-a-i-n-e-y.

THE COURT: Thank you.

MS. POLK: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. POLK:

Q. Good morning, Ms. Rainey.

A. Good morning.

Q. Will you start by telling the jury what community you live in. What state are you from?

A. I live in Austin, Texas.

Q. And are you employed there?

A. I'm self-employed.

Q. What sort of business do you have?

A. I'm a film maker and I'm an entrepreneur.

Q. How long have you been engaged in those two areas?

A. 12 years.

Q. Have you -- do you have a college degree?

A. Yes.

Q. And in what?

A. Bachelor of fine arts.

Q. Where did you go to college?

A. Stephen F. Austin.

Q. Where is that?

A. Nacogdoches, Texas.

Q. And maybe you might need to pull the mic a little closer. That might help.

At some point, Ms. Rainey, did you hear of a man names James Ray?

A. Yes.

Q. How did you learn about him?

A. From The Secret.

Q. Which is what?

A. A movie.

Q. Did you see the movie somewhere?

A. I bought the DVD and watched the DVD. And he was one of the speakers on The Secret.

Q. After that did you have occasion to go to

8

a seminar offered by Mr. Ray?

A. I did.

Q. Was it a paid event?

A. I went to one free one, and the rest were paid.

Q. Where was the free one that you went to?

A. Fort Worth.

Q. In Texas?

A. Yes.

Q. Do you recall what year?

A. Yes. It was in '08.

Q. After attending that free event, did you sign up for some paid events offered by Mr. Ray?

A. Yes. Actually, the free event was in Austin, I think. The first paid event was in Fort Worth.

Q. Was it in Fort Worth that you signed up for some paid events?

A. Yes.

Q. Do you recall at that time how many paid events you signed up for?

A. Several. I don't have the number.

Q. Between the beginning of 2008 and October of 2009, did you attend several paid events put on by Mr. Ray?

1 **A. Yes.**
 2 **Q.** Do you recall approximately how many you
 3 attended?
 4 **A. Maybe seven, six or seven.**
 5 **Q.** Six or seven in about a year and nine
 6 months?
 7 **A. Uh-huh.**
 8 **Q.** Can you tell the jury the name of some of
 9 the events that you attended?
 10 **A. Yes. I went to Modern Magick in Hawaii.**
 11 **I went to Harmonic Wealth in San Francisco. I went**
 12 **to Practical Mysticism in Tahoe, another Modern**
 13 **Magick -- I mean Harmonic Wealth in San Diego. I**
 14 **went to Quantum Leap in Vegas. I went to Egypt,**
 15 **which is World Wealth Excursion, including Creating**
 16 **Absolute Wealth in San Diego, another Modern Magick**
 17 **in Dana Point. That's all I remember.**
 18 **Q.** You mentioned the World Wealth Excursion.
 19 What is that?
 20 **A. It's a trip that was scheduled with the**
 21 **World Wealth Society members, which is a group that**
 22 **was a part of James's inner circle. And we went to**
 23 **Egypt for a week, maybe 10 days.**
 24 **Q.** You joined the World Wealth Society
 25 yourself?

1 **A. Yes.**
 2 **Q.** And how long were you a member of the
 3 World Wealth Society?
 4 **A. A year.**
 5 **Q.** From when to when?
 6 **A. April of '08 to April of '09.**
 7 **Q.** And you just said the word "James." Do
 8 you mean James Ray, the defendant in this case?
 9 **A. Yes.**
 10 **Q.** What was your purpose, Ms. Rainey, in
 11 attending all the various seminars that you just
 12 described for the jury?
 13 **A. The purpose was to achieve more in life**
 14 **and to gain the skills that could take my life to**
 15 **the next level.**
 16 **Q.** Did you attend Spiritual Warrior 2009
 17 offered in October of 2009 by James Ray
 18 International?
 19 **A. Yes.**
 20 **Q.** When you attended Spiritual Warrior, did
 21 you know ahead of time some of the other
 22 participants?
 23 **A. Yes.**
 24 **Q.** And how was it that you knew other
 25 participants?

1 **A. Through the other -- the courses.**
 2 **Q.** Ms. Rainey, what day, if you are able to
 3 recall, did you arrive at Angel Valley?
 4 **A. It was on a Sunday.**
 5 **Q.** And upon arrival did you go through a
 6 registration process?
 7 **A. Yes.**
 8 **Q.** Where was that process?
 9 **A. In a tent on the property of**
 10 **Angel Valley.**
 11 **Q.** Did you sign some waivers as part of that
 12 registration process?
 13 **A. Yes.**
 14 **Q.** I'm going to show you what's been marked
 15 as exhibits 206 and 207. Take a moment and let me
 16 know if these are two documents that you signed.
 17 **A. Yes.**
 18 MS. POLK: Your Honor, counsel has stipulated
 19 to the admission of exhibits 206 and 207.
 20 THE COURT: 206 and 207 are admitted.
 21 (Exhibits 206 and 207 admitted.)
 22 **Q.** BY MS. POLK: Ms. Rainey, having
 23 participated in other events put on by Mr. Ray, had
 24 you signed waivers in connection with the other
 25 events?

1 **A. Yes.**
 2 **Q.** And I'm going to put up on the overhead
 3 Exhibit 206.
 4 Did you read Exhibit 206 before signing
 5 it?
 6 **A. I probably skimmed it.**
 7 **Q.** Is it similar to other waivers that you
 8 had signed for other events put on by Mr. Ray?
 9 **A. Yes.**
 10 **Q.** And specifically with regard to this
 11 exhibit, in that first paragraph I just want to ask
 12 you, this paragraph states that you are releasing
 13 James Ray International, Inc., the company, it's
 14 principals, directors, shareholders, agents, et
 15 cetera, from all liability to the undersigned,
 16 reading from this paragraph here, for any loss of
 17 damage, any claim or demands therefore on account
 18 of injury to the undersigned person, whether
 19 physically, emotional, psychological or otherwise,
 20 or property, or resulting in death.
 21 Is that something you read before
 22 signing?
 23 **A. I skimmed it.**
 24 **Q.** Did you have any concerns about signing a
 25 document that said you were releasing the above for

1 any claims, especially a claim that could result in
2 death?

3 **A. No.**

4 **Q.** Did you read the next paragraph,
5 Ms. Rainey, where it talks about the activities?

6 **A. I did not.**

7 **Q.** And specifically I want to ask you, it
8 talks about Holotropic Breathwork, believed to
9 allow access to nonordinary states of
10 consciousness.

11 Were you familiar with that phrase prior
12 to attending Spiritual Warrior 2009?

13 **A. Yes.**

14 **Q.** From -- how so?

15 **A. Because I had been to Practical
16 Mysticism. And that was also an activity that was
17 done there.**

18 **Q.** The Holotropic Breathwork?

19 **A. Uh-huh.**

20 **Q.** To you what does "nonordinary states of
21 consciousness" mean?

22 **A. In regards to breathwork?**

23 **Q.** Yes.

24 **A. Since I had been to -- I had done
25 breathwork before, I didn't really experience**

1 **anything that was abnormal. So it doesn't really
2 mean anything to me.**

3 **Q.** On prior occasions when you did the
4 breathwork, what happened?

5 **A. You lay there and you breathe funny for a
6 length of time. And then you get tired. And -- I
7 don't know. I fell asleep. Or your mind just kind
8 of wanders. You think about stuff.**

9 **Q.** What did you mean when you said you get
10 funny?

11 **A. I said it was funny breathing. It's this
12 weird type of breathing.**

13 **Q.** Can you describe the type of breathing
14 for the jury.

15 **A. It's short, shallow breaths, very quickly
16 like you're hyperventilating.**

17 **Q.** The waiver also talks about a sweat lodge
18 ceremony, a ceremonial sauna involving tight,
19 enclosed spaces and intense temperatures.

20 Prior to attending Spiritual
21 Warrior 2009, did you know that a sweat lodge
22 ceremony was going to be part of the seminar?

23 **A. I had heard rumor that that's something
24 that they did.**

25 **Q.** And what was your expectation, then, in

1 arriving there?

2 **A. That it would be sort of like a sauna in
3 a teepee, and it's something that the Native
4 Americans do.**

5 **Q.** The jury has heard testimony from other
6 witnesses about the events of the week. And I'm
7 not going to ask you to go through everything. But
8 I want to ask you specifically whether you shaved
9 your head on Sunday evening?

10 **A. Yes, I did.**

11 **Q.** Do you recall what was said by Mr. Ray
12 before you shaved your head?

13 **A. Not exactly. But I -- it was -- the
14 statement that impacted me was is this going to be
15 another seminar where you dabble and kind of sit on
16 the sidelines and watch it, or is this going to be
17 the one that is actually going to change your life?
18 At what level are you going to participate?**

19 **Q.** And why did you decide to shave your
20 head?

21 **A. I shaved my head because it was a symbol
22 of I was going to take this serious, and I wanted
23 to take my life to the next level and that I'm
24 willing to do whatever it took to make that happen.**

25 **Q.** Do you recall in terms of the order of

1 people getting their heads shaved when was it that
2 you had yours done?

3 **A. In the middle of that evening. There was
4 a bunch of people that got their head shaved prior
5 to me.**

6 **Q.** Did you know a lady named Beverly Bunn at
7 the seminar?

8 **A. Did I meet her there or did I know her
9 prior?**

10 **Q.** Let me ask you that. Did you meet her
11 there?

12 **A. I met her there.**

13 **Q.** And I'm going to put up on the
14 overhead --

15 Your Honor, counsel has stipulated to the
16 admission of exhibits 1055 and 1052.

17 MR. KELLY: That's correct.

18 THE COURT: 1052, 1055 are admitted.

19 (Exhibits 1052 and 1055 admitted.)

20 **Q.** BY MS. POLK: I'm going to put up on the
21 overhead Exhibit 1052.

22 Do you recognize, Ms. Rainey, who is in
23 that photograph?

24 **A. Beverly Bunn and Christine Jobe.**

25 **Q.** And tell the jury who Christine Jobe was.

1 **A. Christine Jobe was a member of the World**
2 **Wealth Society. She was also a Dream Team person.**

3 **Q.** So you knew Christine through your
4 participation in the World Wealth Society?

5 **A. Yes.**

6 **Q.** Tell the jury where the head shaving
7 event took place.

8 **A. The initial head shaving ceremony took**
9 **place behind the cafeteria up on a ledge.**

10 **Q.** And do you know if this is -- this
11 picture depicts that same location?

12 **A. No.**

13 **Q.** You don't know or it does not?

14 **A. That is not the same spot.**

15 **Q.** Do know where this spot was?

16 **A. Yes. This was right outside the main**
17 **hall, where we had most of our meetings. They had**
18 **a little tent set up.**

19 **Q.** And tell us about that tent. Was it set
20 up specifically to shave heads?

21 **A. I don't think so. I think it was more**
22 **about this is where you put your shoes, because you**
23 **couldn't wear shoes into the main hall.**

24 **Q.** Were you aware of when it was that
25 Ms. Bunn had her head shaved?

1 **A. Towards the end.**

2 **Q.** I'm going to put up on the overhead
3 Exhibit 1055.

4 And, again, tell the jury who that is.

5 **A. Beverly Burn. And I can't remember the**
6 **other lady's name.**

7 **Q.** Do you know if that's Jennifer Haley?

8 **A. Yes.**

9 **Q.** Ms. Rainey, will you tell the jury just
10 generally speaking how much sleep you had that
11 week.

12 **A. Generally speaking. A few hours.**

13 **Q.** Per night or?

14 **A. Yeah. I slept a few hours everynight,**
15 **maybe one or two on one of the evenings.**

16 **Q.** Why is that?

17 **A. Because I was up doing the exercises.**

18 **Q.** Why were you up doing the exercises
19 instead of sleeping?

20 **A. Because I paid a lot of money to go to an**
21 **event and get all the value what there was to be**
22 **had, not to sleep.**

23 **Q.** Was there a specific night when you had
24 very little sleep?

25 **A. I think one to two hours is very little**

1 **sleep. And there were several nights. So that's a**
2 **difficult question for me to ask just real easily.**

3 **The first night I slept more -- the Sunday night --**
4 **than I did the other nights. The -- I guess that**
5 **was Monday night I probably only had one or two**
6 **hours of sleep. Tuesday night not much at all.**
7 **Wednesday night not much. Thursday I slept.**

8 **Q.** We have heard testimony about yoga in the
9 morning. Did you participate in that?

10 **A. Absolutely.**

11 **Q.** Do you recall how early in the morning
12 the yoga exercise was?

13 **A. No. Early. I don't know.**

14 **Q.** Was there anything during the week that
15 you did not participate in?

16 **A. No.**

17 **Q.** The jury has heard testimony about the
18 Vision Quest. Did you participate in the Vision
19 Quest?

20 **A. Yes.**

21 **Q.** And what did you understand the purpose
22 of the Vision Quest to be?

23 **A. The purpose was to -- we were given a set**
24 **of questions. And they were, like, what is your**
25 **intention? What do you need to be able to fulfill**

1 **your intention? What do you want to create in your**
2 **life?**

3 **So can you restate your question.**

4 **Q.** What did you understand the purpose of
5 the Vision Quest to be?

6 **A. So it was -- for me it was gaining**
7 **clarity in your life about where you want your life**
8 **to go.**

9 **Q.** Did you observe or obey all the rules
10 around being what you were supposed to do on the
11 Vision Quest?

12 **A. Yes.**

13 **Q.** For example, we've heard the creation of
14 a medicine wheel. Did you stay inside your
15 medicine wheel?

16 **A. Yes.**

17 **Q.** For how many hours?

18 **A. Tuesday night, like, 11:00 until Thursday**
19 **morning at, like, 6:30.**

20 **Q.** Prior to participating in the Vision
21 Quest, did you eat?

22 **A. Not much. We were warned that we were**
23 **going to be in this medicine wheel and that it was**
24 **probably best that we not eat a lot because that**
25 **meant you were going to have to go to the bathroom.**

1 **So it was a light lunch. And then I did**
 2 **have a light dinner that evening. I think dinner**
 3 **was, like, 7:30 or so that evening. That was the**
 4 **last time.**
 5 **Q.** And did you have anything to eat or drink
 6 during that entire period of the Vision Quest?
 7 **A. No.**
 8 **Q.** The jury has heard testimony about the
 9 Samurai Game, which actually preceded the Vision
 10 Quest. Did you participate in the Samurai Game?
 11 **A. Yes.**
 12 **Q.** And what was your role?
 13 **A. What was my role? Meaning the characters**
 14 **that were created?**
 15 **Q.** Yes.
 16 **A. I was just a warrior.**
 17 **Q.** Did you ever die?
 18 **A. I didn't -- well, yes. I did. At the**
 19 **end of the event you -- our team had to do**
 20 **hari-kari. So I had to kill myself.**
 21 **Q.** Tell the jury how that came about. First
 22 of all, who was your team leader?
 23 **A. Bill.**
 24 **Q.** And how did it come about that your team
 25 had to kill yourselves?

1 **A. We were protecting our samurai, which was**
 2 **Bill, and our domeo. We were protecting him. And**
 3 **he looked up and saw the ninja. And so he had to**
 4 **die. So then we were given -- James gave us to the**
 5 **other domeo, the winning domeo, which was Greg.**
 6 **And then we were all supposed to all commit**
 7 **hari-kari.**
 8 **Q.** Were you under a code of silence while
 9 playing that game?
 10 **A. I don't think so.**
 11 **Q.** Were you under a code of silence when you
 12 went to have the meals while that game was going
 13 on?
 14 **A. I think so.**
 15 **Q.** What did you get out of the Samurai Game?
 16 What did you take away from it?
 17 **A. I thought it was a dumb game and a dumb**
 18 **exercise. What I took away from it was just**
 19 **noticing how I played the game. So I didn't get to**
 20 **be the domeo. I didn't get to be one of the**
 21 **three -- the ninja or the centurion. I didn't get**
 22 **to be those roles.**
 23 **Okay. So I have to be the best warrior I**
 24 **can be. So it was just interesting to notice that**
 25 **dynamic and how if I'm not the lead person, then it**

1 **upsets me.**
 2 **Q.** Do you recall whether Mr. Ray commented
 3 to you and the other participants about how you
 4 played the game?
 5 **A. Yes.**
 6 **Q.** And what did he say to you?
 7 **A. Played it like we were scared to live.**
 8 **Q.** What did that mean to you?
 9 **A. I took it as that we had played it wrong**
 10 **and that I didn't do it the way that a powerful**
 11 **person would have done it. I didn't agree with the**
 12 **comment. So --**
 13 **Q.** Ms. Rainey, I'm going to show you some
 14 exhibits. They are 1044. And do you recognize
 15 anybody in that photograph?
 16 **A. Yes.**
 17 **MS. POLK:** First of all, Your Honor, counsel
 18 has agreed to the admission of exhibits 1044, 1045,
 19 1046, 1049, 1050, and 1051.
 20 **MR. KELLY:** That's correct, Judge.
 21 **THE COURT:** 1044, -45, -46, -49 and 50 are
 22 admitted.
 23 (Exhibits 1044-1046, 1049 and 1050
 24 admitted.)
 25 **Q.** BY MS. POLK: Can you say where those

1 photographs would have been taken? I'll put them
 2 on the overhead and ask you questions about them.
 3 Do you recognize all these photographs?
 4 **A. Yes.**
 5 **Q.** I'm going to put up on the overhead
 6 Exhibit 1044.
 7 And, first of all, do you recognize what
 8 activity was going on when this photograph was
 9 taken?
 10 **A. We're hugging. I don't remember the**
 11 **exact activity.**
 12 **Q.** Do you recognize people in this
 13 photograph?
 14 **A. Yes.**
 15 **Q.** Can you point out to the jury who you
 16 recognize.
 17 **A. So Louie is the one with hair in the**
 18 **center.**
 19 **Q.** If you point to the -- if you can with
 20 your finger mark on the overhead, and it will show
 21 up.
 22 **A. That's Louie, Kim Brinkley. That's**
 23 **myself. This was my roommate. I don't remember**
 24 **her name. This is Sidney.**
 25 **Q.** Sidney Spencer?

1 **A. Sidney Spencer. Yes. That's about it.**
 2 **Q.** Do you recognize this man in front?
 3 **A. Yes. But I can't exactly remember his**
 4 **name either. He was a Dream Team member.**
 5 **Q.** Does Mark Rock ring a bell?
 6 **A. Yes. That's Mark Rock.**
 7 **Q.** Can you show us again where you are.
 8 In the white shirt?
 9 **A. Yeah.**
 10 **Q.** And I'm going -- are you able to tell the
 11 jury what room you were in when these photographs
 12 were taken?
 13 **A. It looks like the room where most of the**
 14 **activity took on.**
 15 **Q.** Do you recall the name of the room?
 16 **A. I don't.**
 17 **Q.** Does Crystal Hall ring a bell?
 18 **A. Yes.**
 19 **Q.** I'm going to put up on the overhead
 20 Exhibit 1045.
 21 Show the jury who you recognize in this
 22 photograph.
 23 **A. That's Christine Jobe, Kristina Bivins,**
 24 **Haley.**
 25 **Q.** Jennifer?

1 **A. Jennifer Haley. Josh Fredrickson.**
 2 **That's Barb Waters in the back. And I remember**
 3 **this woman. She was the one that was having a**
 4 **seizure. I don't remember her name. If you told**
 5 **me it, I would remember.**
 6 **Q.** Are you talking about during the sweat
 7 lodge?
 8 **A. Yes.**
 9 **Q.** Talking about this lady right here?
 10 **A. Yes.**
 11 **Q.** You mentioned Josh. Do you recall his
 12 last name?
 13 **A. Frederickson.**
 14 **Q.** What did you understand his role to be?
 15 **A. He was part of James's organization. He**
 16 **was in charge of, like, the audiovisual stuff**
 17 **and -- so he was a paid employee.**
 18 **Q.** Do you recall whether Josh Fredrickson
 19 was inside the sweat lodge with you?
 20 **A. Yes. He sat right next to me.**
 21 **Q.** I'm going to put up on the overhead
 22 Exhibit 1046.
 23 Tell the jury who you recognize in this
 24 photograph.
 25 **A. So this is Sandra Andretti. That one is**

1 **Sidney Spencer, Mark Rock. That one there looks**
 2 **like Liz.**
 3 **Q.** And Liz who?
 4 **A. Liz Neuman. And the rest are the back of**
 5 **heads.**
 6 **Q.** I'm going to put up on the overhead
 7 Exhibit 1049.
 8 Tell the jury if you recognize who that
 9 person is.
 10 **A. Sidney Spencer.**
 11 **Q.** Was Sidney Spencer in the sweat lodge
 12 with you?
 13 **A. Yes.**
 14 **Q.** I'm going to put up on the overhead
 15 Exhibit 1050.
 16 Tell us who you recognize in this
 17 picture.
 18 **A. This is Kristina Bivins. And that's**
 19 **myself, Kim Brinkley. She was part of the World**
 20 **Wealth Society with me. Gabriel -- Gabriela. I**
 21 **can't say her last name.**
 22 **Q.** Casineanu.
 23 **A. And this guy was our -- he was our ninja**
 24 **in the Samurai Game.**
 25 **Q.** Do you recall his name?

1 **A. Brad.**
 2 **Q.** Do you recognize who this is?
 3 **A. No.**
 4 **Q.** I'm going to put up on the overhead
 5 Exhibit 1051.
 6 Tell the jury who is in this photograph.
 7 **A. James Ray and Beverly Bunn.**
 8 **Q.** Are you able to tell us what room this
 9 photograph was taken in?
 10 **A. Not clearly.**
 11 THE COURT: Ms. Polk, I didn't have that 1051
 12 has been admitted yet.
 13 MS. POLK: Yes.
 14 MR. KELLY: No objection.
 15 THE COURT: That's admitted.
 16 (Exhibit 1051 admitted.)
 17 THE WITNESS: There is not enough detail for
 18 me to know exactly.
 19 **Q.** BY MS. POLK: Are you able to tell what
 20 activity was going on during this photograph?
 21 **A. No.**
 22 **Q.** During the week was there more than one
 23 activity that involved hugging?
 24 **A. A lot.**
 25 **Q.** And in what sort of context was there

1 hugging?

2 **A. I'm not sure I understand that question.**

3 **Q.** For example, was the hugging part of an
4 actual exercise?

5 **A. Maybe sometimes. Mostly it was**
6 **acknowledgment for some sharing that we just did.**

7 MS. POLK: Your Honor, counsel has agreed to
8 the admission of exhibits 1057, 1056, and 1058.

9 MR. KELLY: No objection.

10 THE COURT: 1056, -57 and -58 are admitted.
11 (Exhibits 1056-1058 admitted.)

12 **Q.** BY MS. POLK: I'm going to put up 1056.
13 Tell the jury who you recognize in this
14 photograph.

15 **A. This is Dennis, Gabriela. This is**
16 **Michelle. That's all I can clearly identify.**

17 **Q.** Do you know who this is?

18 **A. No. Not clearly.**

19 **Q.** I'm going to put up on the overhead
20 Exhibit 1057.

21 Will you tell the jury who you recognize
22 in this photograph.

23 **A. This is Louie, Sandra Andretti, Amy**
24 **Grimes, Christine Jobe. This was my roommate. I**
25 **can't remember her name. This was one was -- she**

1 **was also my roommate. She's a doctor. I remember**
2 **this one. Tess.**

3 **Q.** Was Jean Armstrong?

4 **A. That's Jean Armstrong.**

5 **Q.** And show us Tess.

6 **A. This one is Tess.**

7 **Q.** And do you recall test's last name?

8 **A. Started with an "M" maybe? No. I don't.**
9 **I don't know if I even heard it, actually.**

10 **Q.** Who is Louie?

11 **A. Louie Nelson. She's a girl that probably**
12 **went to everything that I went to.**

13 **Q.** And I'm going to put up on the overhead
14 Exhibit 1058 and ask you to tell us who you
15 recognize in that one.

16 **A. Megan Fredrickson.**

17 **Q.** Which one is Megan? And what was her
18 role?

19 **A. She was James Ray's right-hand person.**
20 **She took care of all the functions of his business.**

21 **Q.** Do you know who this is with her?

22 **A. I'm not getting a good enough profile to**
23 **distinguish that clearly.**

24 **Q.** Now let's go back to the events of the
25 week. After the Vision Quest you came in on the

1 morning of Thursday.

2 Do you recall that?

3 **A. Coming from the Vision Quest, yes.**

4 **Q.** And how were you feeling after the Vision
5 Quest?

6 **A. Relieved, a little tired, very thirsty**
7 **and hungry. I really wanted a shower.**

8 **Q.** Did you then have something to eat and
9 something to drink?

10 **A. I did. Yes.**

11 **Q.** And then where did the group go next?

12 **A. We were supposed to meet back in the**
13 **Crystal Hall.**

14 **Q.** And did you?

15 **A. Yes.**

16 **Q.** Do you recall what happened, then, at the
17 Crystal Hall?

18 **A. I think initially it was everybody just**
19 **sharing their experience after the Vision Quest.**

20 **Q.** Did you do any sharing?

21 **A. I just -- not publicly. I did share with**
22 **James.**

23 **Q.** And how was it that you were able to
24 share something privately?

25 **A. At one of the breaks you could go up and**

1 **speak to James.**

2 **Q.** At some point did you learn that there
3 was another activity?

4 **A. Yes.**

5 **Q.** When did you learn that?

6 **A. Probably around noon later in the**
7 **morning.**

8 **Q.** How did you learn there was another
9 activity?

10 **A. He announced it as part of the -- in one**
11 **of the sessions.**

12 **Q.** And "he" being James Ray?

13 **A. Yes.**

14 **Q.** What did he announce?

15 **A. He announced that -- we all thought we**
16 **were done, but it wasn't over yet.**

17 **Q.** Did you think you were done?

18 **A. I did. I was -- because everybody was**
19 **still a little -- there were a lot of breakthroughs**
20 **that people had had during the Vision Quest. So it**
21 **seemed like it was wrapping up. And it was, like,**
22 **great. Everything was awesome.**

23 **Q.** What was your reaction when you learned
24 that there was a sweat lodge coming up?

25 **A. Just, like, disbelief that we had to do**

1 another thing that late in the game, that late in
2 the event.

3 Q. Were you told to hydrate?

4 A. At that point he said, I hope you guys
5 have been drinking your water. And everybody was,
6 like, oh my God, got up and wanted to go get water.

7 Q. What was your reaction when Mr. Ray said
8 he hoped you had all been drinking water?

9 A. The same. Was to go get water. But I
10 had been drinking.

11 Q. To you, Ms. Rainey, is water something
12 that's on the front of your mind?

13 A. It is. Yes.

14 Q. How come?

15 A. I have a water business. I sell water
16 machines. And I know how important hydration is.

17 Q. How did you, then, prepare to do
18 Mr. Ray's sweat lodge?

19 A. Well, at that time we all went and got
20 water and just started drinking a lot more. I
21 actually got four liters in before the sweat lodge,
22 but most people didn't.

23 Q. How much is four liters in terms of that
24 bottle you have there?

25 A. Four of these.

1 Q. Would you have prepared differently if
2 you had known ahead of time that there was going to
3 be a sweat lodge ceremony?

4 A. I would have. Yes.

5 Q. How so?

6 A. I would have eaten more breakfast. And I
7 probably would have forced myself to drink more
8 water, especially since I had just come off of 36
9 hours of not having water. The body needs a lot
10 more water at that point when it's that dehydrated.

11 Q. Had you been in a sweat lodge before?

12 A. No.

13 Q. Had you been in a sauna before?

14 A. One time. I walked in, thought it was
15 hot, small space, felt bad. And I left.

16 Q. You didn't like the sauna?

17 A. Huh-uh.

18 Q. What was your attitude, then, toward
19 doing a sweat lodge?

20 A. My attitude was this was the next task
21 that I had to -- had to overcome. And I knew a
22 bunch of people that had gone previous years. And
23 none of them had reported any issues at that point.
24 So I felt like it was something that if those girls
25 can do it, then I can do it.

1 Q. Why did you view it as a task that you
2 had to overcome?

3 A. Again, it's, like, I was there to get all
4 the value there was at the course. So that was the
5 next exercise to me getting everything there was to
6 be had.

7 Q. Do you recall what Mr. Ray told you and
8 the other participants before you entered the sweat
9 lodge? What did he tell about what to expect and
10 what to do?

11 A. Yeah. It was a very long description
12 about what might happen or that we were going
13 to feel like our skin was burning off. It was
14 going to get so hot, tight space, we needed to
15 crawl because it was not going to be tall enough
16 for us to leave.

17 There were very specific rules about how
18 you entered the sweat lodge. You aren't going to
19 be able to go to the bathroom. You need to take
20 your jewelry off. I think that those were just the
21 basic things that were talked about.

22 Q. Do you recall why you were told to take
23 jewelry off?

24 A. Because it heats at a different rate than
25 the body, so you would be burned.

1 Q. Do you recall if Mr. Ray mentioned to you
2 your thresholds?

3 A. Yes.

4 Q. And what do you recall about that?

5 A. It was pretty much the whole course. The
6 whole five days talked about pushing past your
7 threshold. So, like, if you were meditating and
8 you felt a twitch or you felt an itch on your nose,
9 that was just your body telling you that you had
10 bumped up against a threshold. And at that point
11 you had a decision point. You can either push past
12 that or you can stay where you're at. So then you
13 would itch or --

14 So this was, like, another one of those
15 things talking about a sweat lodge. And at a
16 certain point we may bump up against a threshold.
17 That's the body telling you that -- trying to keep
18 you small. So you have to push past it to be more.

19 Q. Ms. Rainey, are you somebody who is
20 conscious of your body and your fitness?

21 A. I would say yes.

22 Q. Are you somebody who listens to what your
23 body is telling you?

24 A. Yes. Let me clarify that. Because, I
25 mean, do I know and then do I choose to do

1 something differently that may not be congruent
2 with that? If you go and you have -- you know --
3 pizza and you eat more than you think you should
4 eat -- then my body is conscious that I probably
5 shouldn't eat any more, but then I go ahead and ate
6 some more. I just want to be clear.

7 Q. When Mr. Ray talked about how hot it
8 would be, did that concern you?

9 A. It didn't thrill me, but it didn't
10 concern me either because I had known so many other
11 people, my friends, that had gone through it, and
12 they had been fine. And they didn't report any
13 issues. They didn't have negative things to say.

14 Q. Do you recall if Mr. Ray told you to look
15 out for your own body's signs and symptoms?

16 A. No.

17 Q. Do you recall any discussion about
18 looking out for what was happening to yourself
19 physically?

20 A. No.

21 Q. Did you feel safe?

22 A. In the moment I felt safe. Yes. I
23 didn't feel like he would do anything that was
24 going to put us into harm's way.

25 Q. Did you trust Mr. Ray?

1 A. Yes.

2 Q. Did you trust that Mr. Ray knew what he
3 was doing?

4 A. Yes.

5 Q. Did you know Liz Neuman?

6 A. I knew of her. I wouldn't say we were
7 friends. I knew who she was. She had participated
8 in a lot of the courses I had been at. And she was
9 the person that had taken me to my Vision Quest and
10 picked me up. So I knew her.

11 Q. Did you know if Ms. Neuman had done a
12 sweat lodge before with Mr. Ray?

13 A. Yes. She had done five. This was going
14 to be her fifth.

15 Q. And how do you know that?

16 A. Because he announced it. He said that.
17 Like, it was said at the beginning of the course
18 when he was introducing. I'm pretty sure it was
19 stated. Everybody knew that it wasn't a question.

20 Q. Let's talk about, then, the sweat lodge
21 ceremony, Ms. Rainey. I'm going to put up on the
22 overhead Exhibit 143.

23 And I can bring it up to you if you can
24 see it better. I just want to ask if you can see
25 yourself in that photograph?

1 A. Can you bring it to me?

2 Q. Prior to lining up to go into the sweat
3 lodge, did you and the other participants meet
4 around a fire?

5 A. Yes.

6 Q. And what happened when you met around
7 that fire?

8 A. We burned our pages that we had been
9 writing in our journal. And that's all I can
10 remember.

11 Q. Do you recall what Mr. Ray said to you at
12 that time?

13 A. No. Not really. Except that -- no, I
14 don't.

15 Q. Do you recall if there was any comment
16 about how hot the rocks would be?

17 MR. KELLY: Your Honor, object. Leading.

18 THE COURT: Sustained.

19 Q. BY MS. POLK: Let me ask you another
20 question. Was there any discussion with Mr. Ray
21 around that fire?

22 A. Yes.

23 Q. Do you recall today what the discussion
24 was?

25 MR. KELLY: Objection. Asked and answered.

1 She doesn't recall.

2 THE COURT: Overruled. You may answer if you
3 can. You may answer. I overruled the objection.

4 THE WITNESS: So your question was if there
5 was -- can you restate the question?

6 Q. BY MS. POLK: If you recall, was there --
7 if you recall whether Mr. Ray said anything to you
8 around the fire as you threw your writings in?

9 A. I don't remember him saying anything
10 about the rocks at that point. He did tell us the
11 rocks were going to be hotter than hell.

12 Q. When was it that Mr. Ray said the rocks
13 would be hotter than hell?

14 A. That is whenever we were getting ready
15 for the sweat lodge. And he also mentioned that
16 his fire keeper had stated that these were the
17 hottest rocks that he'd ever seen or ever had.

18 Q. What was your position going into the
19 sweat lodge?

20 A. What was my position?

21 Q. Yeah. In terms of this line up of
22 people. Do you recall where you were in the line
23 up?

24 A. I was already standing close to the fire,
25 close to James, because I wanted to make sure that

1 I am in the first leg of people that went in.
 2 Q. Tell the jury why that is.
 3 A. In previous courses you kind of
 4 understand the flow and how things are going to go.
 5 And I wanted to make sure that if I was in the
 6 first group of people that went in, that meant I
 7 was going to be closest to the door and could get
 8 out the quickest instead of having to wait for all
 9 the people to leave. And then -- yeah.
 10 Q. Why were you thinking, Ms. Rainey, of how
 11 to get out of there?
 12 A. It was going to be hot.
 13 Q. Who was the first person that went into
 14 the sweat lodge?
 15 A. I think James.
 16 Q. I'm going to put up on the overhead
 17 Exhibit 414, which just is an outline of the sweat
 18 lodge with the door being over here.
 19 Show the jury, then, how you went in and
 20 where you ended up.
 21 A. So we came in like this. And then you go
 22 around. And I was about right there.
 23 Q. Tell the jury who you ended up sitting
 24 next to.
 25 A. Josh Fredrickson was on my right, and

1 Theresa was on my left.
 2 Q. So your right, meaning which side of this
 3 diagram?
 4 A. Josh was the corner person or the -- and
 5 then I was on this side, and Theresa was on this
 6 side.
 7 Q. How many people were between you and the
 8 entrance?
 9 A. If I had to guess, I would say there was
 10 probably at least six or seven more people this
 11 way, like there. And there was the second row. So
 12 there was more. So maybe, like, 10 to 12 people.
 13 Q. Thank you. Will you show the jury where
 14 the second row went.
 15 A. Right there. All the way around.
 16 Q. Did you end up, then, in the back row
 17 closest to the wall?
 18 A. Yes.
 19 Q. Did this -- do you know if this second
 20 row went all the way around to this area?
 21 A. Yes. Well, not in front of -- as far as
 22 I know, there was nobody in front of James or Megan
 23 or Taylor. The second row kind of started from
 24 there on.
 25 Q. Okay. So between Mr. Ray and Megan and

1 Taylor and nobody in front of them?
 2 A. Right.
 3 Q. Tell the jury who Taylor is.
 4 A. Taylor was James's personal assistant.
 5 Q. What was your reaction, then, when the
 6 ceremony began?
 7 A. Initially it was a little bit of panic.
 8 It was dark, super hot, and steam filled the room.
 9 First smoke filled the air. People were coughing.
 10 And then it was steam. So I didn't do very well
 11 the first round. I was extremely upset, kind of
 12 hyperventilating, panicking a little bit.
 13 Q. Do you recall how many rocks were brought
 14 in for the first round?
 15 A. Eight.
 16 Q. And how were you feeling in terms of your
 17 physical being?
 18 A. I was nauseous. The steam sort of rolled
 19 over your body and just went up into your nose and
 20 down your throat. And at that point I just put my
 21 shirt over my face so that I could stop that. I
 22 put it down. I remember putting my face down so I
 23 didn't have to feel that anymore. It was burning
 24 the throat.
 25 Q. Is that just the first round still?

1 A. That was the most impressionable because
 2 that's when I was really freaking out. Yeah. I
 3 felt nauseous. The people next to me were trying
 4 to comfort me, telling me to calm down. It's going
 5 to be okay. Everything is going to be fine.
 6 I told them I was going to throw up. I
 7 felt that sick with all that was going on. There
 8 were a lot of loud screams and people reacting to
 9 it as well.
 10 Q. Do you recall if Mr. Ray said anything in
 11 response to how people were reacting?
 12 A. No. He just proceeded with the ceremony.
 13 Q. Did you go through the first round?
 14 A. I did. Yes.
 15 Q. And did you think about leaving after the
 16 first round?
 17 A. I did. And I told myself that I went
 18 there to get something and that if the other people
 19 could do this, then I could do it. And I must be
 20 up against a threshold, and I needed to push
 21 through it. I was clear at that point that it was
 22 fear. And it was all the anxiety and the nausea.
 23 And all that was from my fear at that point.
 24 Q. Then what happened?
 25 A. My friends next to me convinced me to

1 stay. We went through the next round. Well, the
2 lady in front of me that was in front of my legs --
3 she bolted after the first door flap came open.

4 Q. Do you recall who that was?

5 A. Lynette. There is two Lynettes. It was
6 the older Lynette. And so Lynette left. That kind
7 of provided more space. Because initially it was
8 just this was all my space. Your legs are bent up.
9 There is someone here, here and there. It's a
10 little, tiny box.

11 And so when she left, it was like I could
12 stretch my legs out. And Josh recommended that I
13 lay down. And then they helped me kind of breathe
14 through it so I could breathe through the
15 hyperventilation, and kind of calmed me down some.
16 The ground was a lot cooler.

17 Q. When you laid down, did you lay on your
18 back or stomach?

19 A. On my back.

20 Q. What happened next?

21 A. So then I was able to go through the next
22 few rounds. It was still hot, but it was cooler on
23 the ground. And my breathing had calmed down. So
24 I was feeling like I could handle it.

25 And it got to the fifth round. After the

1 fifth round, which is where I was kind of the point
2 where I said I have to make it through the fifth
3 round.

4 Q. When did you make up your mind that you
5 wanted to make it through the fifth round?

6 A. On my Vision Quest you created the little
7 pouches -- I don't know if you have talked about
8 that. You create these pouches. And so the one
9 thing that was revealed to me on my Vision Quest
10 was that I needed to come from the heart and
11 instead of the head.

12 And so the fifth round signified the
13 heart round. And so it was that round in the sweat
14 lodge where I knew I had to get past there because
15 that's what I needed.

16 Q. That was?

17 A. So I decided it probably -- probably
18 going in. Like, I knew that's what I needed. And
19 so I was probably sitting in the sweat lodge in the
20 moment that I knew I had to get past that point. I
21 would not feel like I had accomplished what I came
22 there for, like, in the Spiritual Warrior if I
23 didn't get through the fifth round.

24 Q. Before the fifth round, I want to talk
25 about things that you heard or observed inside the

1 sweat lodge. Did you become aware of somebody
2 needing to use the bathroom?

3 A. Yes.

4 Q. When was that?

5 A. Maybe second or third round. It was
6 about midway through.

7 Q. How did you become aware of that?

8 A. At one of the times when you could talk
9 and ask James questions --

10 Can I say the person's name.

11 Q. Yes.

12 A. Mike mentioned that -- he asked the
13 question, so if I -- I know you said that we should
14 use the rest room before we come into the sweat
15 lodge. But if I have to go to the rest room now,
16 is it better for me to pee right here, or should I
17 leave and come back?

18 Q. Did you hear Mr. Ray respond?

19 A. Yes.

20 Q. What did he say?

21 A. He said you should just do it right
22 there. At that point I was appalled because I was
23 already having to deal with so many odors and
24 smells and just all of it that I'm, like, great.
25 Now I have to smell someone's urine.

1 Q. You said that at times when you were
2 allowed to talk. Were there times inside the sweat
3 lodge you were not allowed to speak?

4 A. I don't know if it was stated you can't
5 talk. I don't have a recollection of that. But I
6 do know that most people felt like -- you know --
7 he's the leader. He's leading the ceremony. You
8 don't talk at this time because he's leading the
9 ceremony.

10 But when the flaps were open is when
11 people felt like they could ask questions and
12 leave.

13 Q. When the flap was open, in the position
14 that you had in the sweat lodge, which is over
15 here, did you ever feel air, cool air?

16 A. No.

17 Q. What did you feel, if anything, when the
18 flap opened?

19 A. Nothing. Nothing.

20 Q. Did you observe what Mr. Ray did between
21 rounds when the flap was open?

22 A. No. Because it was very difficult to
23 see. And plus I was trying to manage myself just
24 so I could be there. So I didn't -- I noticed that
25 he got up and got the bucket of water and he went

1 and poured the bucket of water on the rocks. And
 2 that's when you knew, oh, God. Here comes the
 3 steam.
 4 Q. And tell the jury about that. From your
 5 position, then, with each round, do you know
 6 whether more rocks came in?
 7 A. Because he called for them. He -- every
 8 round he would call for more and more rocks. And
 9 that was his decision. Like, he gets to decide how
 10 many rocks. He explained to us how the ceremony
 11 goes, that that's what would happen between him and
 12 the fire keeper.
 13 Q. What was your reaction, then, between
 14 rounds when you heard more rocks were coming in?
 15 A. Oh, God. Please make it stop.
 16 Q. Were you aware of more water coming in?
 17 A. No. Not until it did. Then it was
 18 steam.
 19 Q. Describe for the jury what it felt like
 20 when the water was poured on the hot rocks.
 21 A. It was really hot and suffocating. It
 22 felt like it was burning your whole body as it
 23 rolled up. Like, I had burns on my legs. At
 24 certain points I lifted my legs up. So the shins
 25 were burnt. And then it just would roll down into

1 your throat.
 2 Q. You used the words you were "managing
 3 yourself." How did you do that?
 4 A. I was trying to calm down my breathing,
 5 mentally prepare myself to just push past this.
 6 Yeah. Just my focus was on myself.
 7 Q. And why, Ms. Rainey -- would you tell the
 8 jury why you believed that enduring what you just
 9 described, the heat, why that was something you
 10 chose to do.
 11 A. Can you tell me that again.
 12 Q. You just said with each round when more
 13 rocks came in and more steam was created, your
 14 reaction was oh, God. Let this stop. Why did you
 15 believe what you were doing was something that
 16 would achieve something for yourself? Why did you
 17 see this as a good thing, if you did?
 18 A. I guess because all my friends had gotten
 19 so much value from being there in the past, I kept
 20 telling myself I needed to push past this.
 21 Q. And had Mr. Ray said anything to you at
 22 any point that led you to believe that?
 23 A. Yes.
 24 Q. And tell the jury what he said.
 25 A. It was just -- he said that we have to be

1 willing to push past these thresholds. I don't
 2 exactly know outside of that.
 3 Q. While you were still inside the sweat
 4 lodge, did you become aware of a light during a
 5 round?
 6 A. Yes.
 7 Q. Do you recall when that was?
 8 A. No. It seems like about midway. It
 9 wasn't early on. It wasn't, like, right before I
 10 left. So it had to be sort of midway.
 11 Q. Do you recall what position you were in
 12 when you became aware of a light?
 13 A. I was in my same position laying down.
 14 Q. Did you hear Mr. Ray say anything?
 15 A. Yes.
 16 Q. What did he say?
 17 A. Where is that light coming from? That's
 18 sacrilege. Who did that?
 19 Q. Did you know at the time where the light
 20 came from?
 21 A. Not precisely. It felt like it came
 22 from -- it seemed like it came from over here. But
 23 I couldn't even guarantee that. It kind of
 24 happened really fast.
 25 Q. Did you know at the time what the source

1 of the light was?
 2 A. No. I made up things in my head what I
 3 thought it might be. I felt like it was probably
 4 somebody lifted up the flap and rolled out.
 5 Q. Can you describe up to the fifth round
 6 what your mental status was.
 7 A. Just very preoccupied with myself, like
 8 how am I going to get through this? I need to push
 9 past it. So very focused but focused on myself.
 10 Q. During the time that you were in the
 11 sweat lodge, describe for the jury some of the
 12 things that you heard going on just generally.
 13 A. People screaming, people throwing up,
 14 people crying, shouting a lot of different things,
 15 lots of crying, like, babbling and then crying.
 16 Q. Did any of that alarm you?
 17 A. Not really. I felt like everybody was
 18 dealing with it the best they could. And I knew if
 19 I was having as hard of time I was being able to
 20 manage, then other people were having to deal with
 21 it themselves, whether it was they were scared or
 22 whatever emotion is coming up for them.
 23 Q. How did you make it through to the fifth
 24 round?
 25 A. How did I make it through? I imagined an

1 arctic block of ice and that I was on that. That
2 kind of helped cool me down a little bit. I just
3 mentally kept telling myself that I could do it.
4 And that's the only way.

5 I guess Josh and -- Josh and Theresa
6 encouraged me throughout the time. Like, how are
7 you doing, and you can do this. So I was getting
8 some encouragement from the people around me. So
9 that helped for sure.

10 Q. Were you able to track the passage of
11 time inside the sweat lodge?

12 A. Not really. Not really.

13 Q. At what point were you not able to track
14 the passage of time?

15 A. I would say pretty much the whole time.
16 There was no watches. There is no way to know how
17 long we were in there. The first round was really
18 long. And it seemed like it took a very long time
19 compared to the other rounds.

20 But I still had no concept of -- he told
21 us it was going to be 15 to 20 minutes. Okay.
22 That's how long it was. We didn't have any idea
23 we're 10 minutes into the round to be able to tell
24 that in your head.

25 Q. Did you stay through the fifth round?

1 A. I stayed through the fifth round.

2 Q. And then what happened?

3 A. I told Josh and Theresa that I was ready
4 to go, that I was leaving. And so they helped me
5 up.

6 Q. Was the flap open?

7 A. The flap was open.

8 Q. Why did you need help up?

9 A. I was weak and a little disoriented. And
10 I -- my body seemed really heavy when I lifted
11 myself up. And so then I kind of got up on all
12 fours and started crawling out.

13 Q. And what direction did you take to crawl
14 out?

15 A. I went this direction.

16 Q. On your way out did someone say something
17 to you?

18 A. Something was said like, can she leave,
19 or something was said like that. And James says,
20 no. And I looked over at him like whatever. You
21 can't say that. And then he's, like, no. She can
22 go. So it was kind of clear. But he wasn't saying
23 no to me. He was saying no to somebody else who
24 asked him.

25 Q. Do you know who Mr. Ray was saying no to?

1 A. No. There was a lot of conversation
2 going on. It wasn't just me.

3 Q. Were there other people leaving at the
4 time?

5 A. No.

6 Q. Were you aware of where Beverly Bunn was
7 during the ceremony?

8 A. Yes.

9 Q. Where was she?

10 A. Somewhere over here. I don't know if she
11 was three or four -- I don't know. Three or four.
12 When she walked in, that's how come I know where
13 people were because based off when they came
14 through the flap. It's an estimate.

15 Q. What happened then, Ms. Rainey, when you
16 got to the door?

17 A. I was -- it was extremely bright. So the
18 sun sort of blinds you. And then you're feeling
19 really weak. My knees hurt from crawling out
20 because the rocks were really bugging me, like --
21 you know -- sharp.

22 And some people grabbed me up. But I was
23 so weak that I couldn't lift myself up. I thought
24 that was odd. I didn't realize that I had exerted
25 that much energy. It didn't seem -- I was just

1 laying there.

2 So all of a sudden I was so weak I
3 couldn't stand by myself. These people helped me
4 up, and they kind of dragged me over to this tarp
5 with muddy water on. It was like a slip and slide.
6 And then they hosed me down with supercold water.

7 And I could feel -- like, I could see the
8 steam coming off my body. That's the difference of
9 temperature. The water was so cold and my body was
10 so hot. And it was startling to feel that shock.
11 It felt good, it felt bad, all at the same time.

12 Q. And emotionally how were you doing?

13 A. Not well. I was really upset. I was --
14 I was nauseous. I was really just upset, I guess.

15 Q. Were you oriented to your surroundings?

16 A. To the general? Yes. Like, I knew where
17 the -- I knew where everything was.

18 Q. And how about more specific?

19 A. I guess it took me a couple minutes just
20 to realize okay. I'm outside. There is people
21 standing over here to my left. Like, where are
22 those people from? Who are they? I was
23 disoriented in that regard like I didn't know who
24 those people were, who was managing the outside of
25 the tent. I knew kind of what was going on inside.

1 But now was my first glimpse of what was happening
2 outside.

3 Q. And why were you upset?

4 A. Initially I was upset because I didn't
5 complete. I didn't finish. There were still all
6 these people in there and people that I would
7 consider, like, not as tough as me. And I was out,
8 and they were inside. That was only a split second
9 I really felt that.

10 And then I was just grateful that I had
11 listened to myself and that I was outside. I went
12 in there. I got what I wanted. I was going to
13 stay through the fifth round, and I did it. Just
14 be grateful for that. I tried to move into that
15 space.

16 Q. How long would you say that you were on
17 the tarp?

18 A. Again, time is not -- I didn't have a
19 watch. So it was very difficult for me to know
20 exactly how much time passed.

21 Q. Do you think some time passed while you
22 were lying there?

23 A. Yes. But I know -- I know who came out
24 after me. And so -- and I know how long -- that
25 the door flap closed. So I know who got out.

1 Q. Who do you recall coming out after you?

2 A. I know that Lou and Lynette, the younger
3 Lynette, both came out.

4 Q. And I'm going to put up on the overhead
5 Exhibit 145.

6 Does this show the tarp you were laying
7 on?

8 A. Yes.

9 Q. Which one were you on?

10 A. I was on that tarp.

11 Q. While you were laying there, was your
12 attention drawn to Lou?

13 A. Yes.

14 Q. And why or how?

15 A. First of all, there was shouting and
16 stuff inside the tent. And I was already sitting
17 up at that point. So some length of time. I'm not
18 sure. But I was already sitting up. And Lynette
19 was to my left, which would have been right there.

20 And then they brought Lou out. And he
21 was here on the tarp. And everybody kind of helped
22 him out. And his hand was burnt, and it looked
23 like hamburger meat. It looked awful.

24 Q. Do you know if that was when the flap was
25 still open after the fifth round?

1 A. I don't know that. My attention was on
2 him and someone being severely burned.

3 Q. Then let's back up a little bit. After
4 the fifth round you came out and you're on the
5 tarp. What happened while you were still on the
6 tarp in terms of you moving forward?

7 A. I don't understand the question.

8 Q. Well, did you stay laying down the whole
9 time?

10 A. No. I laid down for a while, and then I
11 sat up. But I sat there. I couldn't move.

12 Q. How did you get into the sitting
13 position?

14 A. I did it myself.

15 Q. And how come you couldn't move once you
16 sat up?

17 A. My legs were weak, and I felt drained of
18 all my energy.

19 Q. At that point -- you talked about being
20 hosed down. How were you feeling in terms of your
21 body temperature at that time?

22 A. Eventually I cooled down. So -- and then
23 I was just shaking uncontrollably. It was so cold
24 yet I'm in the sun. And I just came out of a sweat
25 lodge. It didn't make sense to me. I was

1 uncontrollably shaking. My teeth were chattering.

2 Q. Do you have any recollection today,
3 Ms. Rainey, how long it took you from going from
4 being hot to this stage of shaking with cold?

5 A. Fairly quickly. It was really cold
6 water.

7 Q. How long would you say you sat there,
8 then, once you managed to sit up?

9 A. Probably through the whole next round,
10 the whole next round. Like, when the flap was
11 closed -- I was sitting there just watching Lou.
12 They had brought a big five-gallon bucket of ice.
13 And they put the ice there, and he put his hand in
14 it.

15 And he was -- the same reactions was
16 happening to him. So they squirted him down with
17 the cold water. And at that point he was
18 uncontrollably shaking. And I think her name was
19 Sara -- brought a towel and put it around him he
20 was shaking so much. And his hand was in this
21 bucket of ice.

22 And so all of that kind of happened
23 during that round. That's what was going on on the
24 outside while they were doing whatever on the
25 inside.

1 Q. And you think that was during the sixth
2 round, then?

3 A. Uh-huh.

4 Q. You just mentioned Sara. Who was Sara?

5 A. The fire keeper's daughter.

6 Q. You saw her bring a towel for Lou?

7 A. I asked her to. I asked her and her mom.
8 I don't know her mom's name.

9 Q. How much -- let me ask you this: What
10 was Lou's demeanor while this was going on?

11 A. He was out of it.

12 Q. And what do you mean by that?

13 MR. KELLY: Objection.

14 THE COURT: Overruled.

15 You may answer that.

16 THE WITNESS: He was not responding to people.

17 He was just sitting there, like, in a daze or -- I
18 don't know. He was out of it. Just sitting there
19 kind of staring at the ground and not responding to
20 people.

21 Q. BY MS. POLK: And I want to jump ahead a
22 little bit. At some point did you observe whether
23 Lou went back into the sweat lodge?

24 A. I didn't actually see him go in. But
25 when I asked someone, where did Lou go, they said,

1 he went back in.

2 Wow.

3 Q. Why did you have that reaction?

4 A. His hand was severely burned. This was a
5 person that was in serious injury and needed to
6 be --

7 MR. KELLY: Your Honor, object. Lack of
8 foundation.

9 THE COURT: Overruled.

10 You may answer that.

11 THE WITNESS: I mean, there was flesh hanging
12 from him. And so I didn't think it was my
13 judgment. I did not think he should be going back
14 into that sweat lodge in his state.

15 Q. BY MS. POLK: Did you ever hear comments
16 throughout the sweat lodge ceremony pertaining to
17 having your own experience?

18 A. Yeah. Are you asking in the sweat lodge
19 or out of the sweat lodge?

20 Q. Let me ask you both. First, inside the
21 sweat lodge did you hear any comments like that?

22 A. Inside the sweat lodge it was, like,
23 everybody is going to have their own -- I think it
24 was even James said, everybody is going to have
25 their own experience. And for some people they're

1 dealing with -- you know -- claustrophobia,
2 whatever. Like, everybody had their own thing they
3 were dealing with. So it was their thing.

4 And outside of the sweat lodge I remember
5 Christine Jobe telling me -- I reached over to kind
6 of -- Lynette was throwing -- she was kicking
7 wildly and cussing and just saying a lot of
8 different things.

9 And I reached over to kind of comfort
10 her. And Christine advised me not to do that, that
11 everybody was entitled to their own experience.
12 This was my experience, and that was her
13 experience, and I should not interfere with her
14 experience.

15 Q. And then I want to jump ahead one more
16 time while we're talking about Lou. After the
17 sweat lodge was over, did you ever hear Mr. Ray say
18 anything to Lou?

19 A. He said -- talking about his hand being
20 burned, he said, well, that will be a good
21 reminder.

22 Q. Where were you when you heard that
23 conversation?

24 A. I was actually sitting in a chair behind
25 Lou at that point.

1 Q. And where was Mr. Ray?

2 A. He had just come out of the tent at that
3 point. So he was in transit from there to the
4 chair.

5 Q. He walked past Lou?

6 A. Yeah. And so I don't remember when the
7 words came out of his mouth, but it was a whole
8 motion. He walked to get to the chair. And at
9 that point he saw Lou's hand, and that's what he
10 said.

11 MS. POLK: Your Honor, would this be a good
12 time to stop?

13 THE COURT: Yes. Thank you. We can do that,
14 Ms. Polk.

15 Ladies and gentlemen, we will take the
16 morning recess. Please remember the admonition.
17 Please be in the jury room by 10 after, about 20
18 minutes.

19 I just want to remind Ms. Rainey that the
20 rule of exclusion of witnesses has been invoked.
21 And that means you cannot discuss the case or your
22 testimony or communicate in any way about this case
23 or your testimony with any other witness until the
24 trial is completed.

25 However, you can talk to the attorneys as

1 long as other witnesses aren't present.
 2 Thank you. You are excused.
 3 We will be in recess.
 4 (Recess.)

5 THE COURT: The record will show the presence
 6 of the defendant, Mr. Ray; the attorneys, the jury.
 7 Ms. Rainey has returned to the witness stand.

8 Ms. Polk.

9 MS. POLK: Thank you, Your Honor.

10 Q. Ms. Rainey, you had testified that the
 11 fifth round signified the heart round. Can you
 12 explain to the jury how or why. What does that
 13 mean?

14 A. Not sure if I can explain that. It was
 15 just -- it was part of what the little pouches.
 16 And so -- the heart round. I don't know how to
 17 explain it, actually.

18 Q. Who told you that the fifth round
 19 signified the heart round?

20 A. It was James Ray.

21 Q. Did each round signify something?

22 A. Yes.

23 Q. Can you tell the jury what you recall
 24 about the other rounds and what they signified?

25 A. No. I don't remember. That was the one

1 that I needed to get through.

2 Q. You had talked about laying on your back.
 3 Did you ever change your position after you first
 4 laid on your back?

5 A. No. The only shifting I did was with my
 6 legs flat on the ground or bent.

7 Q. And for people that were sitting around
 8 you, were you able to observe what position they
 9 were in?

10 A. They were both laying down. They started
 11 upright, and then they laid down as well as people
 12 moved out.

13 Q. On their back or stomach?

14 A. On their back.

15 Q. And who was that?

16 A. Josh and Theresa.

17 Q. Were you aware of where other people
 18 other than Josh and Theresa were sitting inside the
 19 sweat lodge?

20 A. Yes. Based on when they came through,
 21 whenever they initially sat down. After that and
 22 people were shuffling, I didn't necessarily know
 23 where people shuffled to.

24 Q. Tell us who you were aware of in the
 25 beginning and where they sat. And you can look at

1 the diagram and draw arrows on it.

2 A. I know that my friend Amy was sitting
 3 inside row somewhere around there. And I know that
 4 Julie Minn was also sitting in that section. And
 5 Gabriela was sitting there as well. I know that
 6 those three were sitting there. Because Amy is my
 7 friend. She's the one I kind of went there with.
 8 And so I was aware of where she was positioned in
 9 the lodge.

10 Q. And you had testified that Beverly Bunn
 11 was where?

12 A. She was back this way. I was here. So
 13 she -- it was -- I know that there was Beverly.
 14 Sean was in that section as well. Sean is from
 15 Austin, so I kind of knew where he was.

16 Q. Do you know Sean's last name?

17 A. Ronan. That's all I remember in that
 18 section. And then it got fuzzy over this way
 19 because I really couldn't tell where they were
 20 sitting. It was dark. I heard Mike Olesen's
 21 voice. He's one of my World Wealth Society
 22 friends. So I know his voice came from that
 23 section of the tent.

24 Q. Were you aware of where Liz Neuman was
 25 sitting?

1 A. I knew where she was sitting because she
 2 was one of the corner posts. Like, so Josh, Liz
 3 Neuman and, I think, Aaron were the other ones that
 4 we knew. And they were supposed to be sitting
 5 north, east, south and west, all the different
 6 directions.

7 Q. Do you know whether Beverly Bunn ever
 8 changed positions from where she started off?

9 A. I do not know that from this day. I know
 10 it in hindsight, like, later on.

11 Q. You testified about as you were leaving
 12 and hearing Mr. Ray say, no. Do you know who he
 13 was speaking to?

14 A. No, I do not.

15 Q. Were you aware of anybody else moving at
 16 the time you were moving?

17 A. There was a lot of commotion.

18 Q. Who was it -- just backing up a little
 19 bit, who was it who had warned you not to eat much
 20 prior to the Vision Quest?

21 A. That was James.

22 Q. James Ray?

23 A. Yes.

24 Q. Had anybody told you and the participants
 25 not to get much sleep during the week?

1 **A. It was -- it was stated that we were**
 2 **supposed to do the work that there was to be done.**
 3 **And that might mean that we didn't get any sleep.**

4 **Q. Who stated that?**

5 **A. James.**

6 **Q. I'm going back to the sweat lodge now.**
 7 **As people were leaving, did you ever hear James Ray**
 8 **say anything to them?**

9 **A. I heard him talking to people. He might**
 10 **have just made comments. I don't know if he was**
 11 **commenting yes, you can go in or no, you can't**
 12 **leave. I didn't hear him say that. But he was**
 13 **making comments to people.**

14 **And everybody that left got a -- like**
 15 **a -- there was a saying that everybody said hi ya**
 16 **ya or something like that.**

17 **Q. What sort of comments did you hear**
 18 **Mr. Ray say to people as they were leaving?**

19 **A. Just if they had a question. I can't**
 20 **remember anything specifically. There was a lot of**
 21 **talking. It wasn't anything -- it didn't seem**
 22 **significant at the time.**

23 **Q. I'm going to put back up on the overhead**
 24 **Exhibit 145. And let's go back to after the fifth**
 25 **round after you had come out.**

1 **And show again to us which tarp you were**
 2 **laying on.**

3 **At some point did you try to get up from**
 4 **your sitting position?**

5 **A. I did.**

6 **Q. And what happened?**

7 **A. I was weak and I couldn't do it.**
 8 **Eventually they brought me a chair. And so I was**
 9 **able to get up and get into the chair.**

10 **Q. How did you become aware that you**
 11 **couldn't get up from the sitting position?**

12 **A. I was trying.**

13 **Q. And what happened as you were trying?**

14 **A. Just I didn't have the strength to make**
 15 **that happen.**

16 **Q. Do you know how many minutes this was**
 17 **after you had come out of the sweat lodge?**

18 **A. Like I said, I think I sat there for at**
 19 **least the whole next round. And then people**
 20 **started coming up. I had to get up and leave.**
 21 **More people needed my tarp space. So I know by the**
 22 **next round I was up and sitting in a chair, which**
 23 **was more behind this tarp.**

24 **Q. Behind to which way?**

25 **A. It was, like, back -- it was behind that**

1 **tarp.**

2 **Q. So in terms of which round it was that**
 3 **you were then sitting in a chair -- you came out**
 4 **after the fifth. And then for the sixth round were**
 5 **you sitting in a chair or lying on the tarp?**

6 **A. By the sixth round I was sitting in a**
 7 **chair.**

8 **Q. Did you become aware of Lynette at some**
 9 **point?**

10 **A. Yes.**

11 **Q. And which Lynette?**

12 **A. Yeah. So I -- the older Lynette left**
 13 **after the first round. As soon as the door flap**
 14 **opened, she bolted. The younger Lynette came out**
 15 **right after me. So it was, like, me on the tarp.**
 16 **And then she sat down. And Lou is there. We all**
 17 **kind of came out at the same time, the same flap**
 18 **opening. There was time gaps within that space of**
 19 **when it actually opened and when it closed.**

20 **Q. Tell the jury what you remember about**
 21 **Lynette.**

22 **A. Lynette was really, really upset. She**
 23 **was kicking and crying and just kind of shoving the**
 24 **Dream Teamer that was helping her. And she was,**
 25 **like, this was terrible. I want to go back. I**

1 **want to go back, were the things that she was**
 2 **yelling.**

3 **Q. Did she say go back where?**

4 **A. To the way she was before. She wanted to**
 5 **go back to before.**

6 **Q. How loud was she when she was yelling**
 7 **that?**

8 **A. Pretty loud.**

9 **Q. Where was she when she was yelling that?**

10 **A. She was on the tarp.**

11 **Q. It's a little imprecise.**

12 **A. It is. She was laying on the far side of**
 13 **that first tarp there.**

14 **Q. How long would you say Lynette was in**
 15 **that state?**

16 **A. My only recollection is it was an**
 17 **outburst. The outburst probably lasted only a few**
 18 **minutes. Because then there was the whole Lou**
 19 **issue and, like, hand burnt. Like, more the focus**
 20 **kind of went over there. And she was calming down.**
 21 **One person stayed with her, and the rest of the**
 22 **Dream Teamers were trying to help Lou.**

23 **Q. Was it Lynette first and then Lou?**

24 **A. I'm pretty sure. Yes.**

25 **Q. When Lynette came out, that was the same**

1 round that you came out or the same time between
2 rounds?

3 **A. I think it's the same time between**
4 **rounds. There was a little bit of time left. I**
5 **was on the tarp by myself for a little bit, but**
6 **then she came. I'm pretty sure it was all during**
7 **the same flap opening that that happened.**

8 **Q. Where was Mr. Ray when Lynette was**
9 **screaming?**

10 **A. Inside the tent.**

11 **Q. Did you see him ever come out and check**
12 **on Lynette?**

13 **A. No.**

14 **Q. And with respect to Lou, the same**
15 **question. Where was Mr. Ray?**

16 **A. Inside the tent.**

17 **Q. Did you see him come out and check on Lou**
18 **at the time that Lou was being treated for the**
19 **burned hand?**

20 **A. No.**

21 **Q. What did you become aware of next after**
22 **Lou and Lynette?**

23 **A. The next round was when Dennis and Bill**
24 **came out. And Dennis was -- his outburst was a lot**
25 **larger in comparison to Lynette's. Lynette is a**

1 **very timid, small woman. She didn't make that much**
2 **sound. Her loudest was not nearly as loud as what**
3 **Dennis could do. Dennis was hollering at the top**
4 **of his lungs.**

5 **I had never heard a grown man hollering**
6 **for his life ever. And so it made me start crying**
7 **just because it was so horrific. And he was**
8 **shouting that he was dying, that he was having a**
9 **heart attack. I don't know what all. I'm dying.**
10 **I'm dying, was the thing he kept saying. He was**
11 **grabbing his heart and screaming.**

12 **Q. Did you hear Mr. Ray react to Dennis?**

13 **A. Yes. He says, you need to stop that.**
14 **Who's doing that? Or, Lou, you need to stop that.**
15 **And Lou, like, looked out of his daze and says,**
16 **it's not me. And then all the Dream Teamers said,**
17 **it's not Lou.**

18 **Who is it?**

19 **They said, it's Dennis. Everybody**
20 **hollered back, it's Dennis.**

21 **He said, Dennis, you need to pull it**
22 **together.**

23 **He kind of quit a little bit. But then**
24 **he just kept yelling. He was really distraught.**

25 **Q. Where was Mr. Ray when he said that to**

1 **Dennis to pull it together?**

2 **A. Inside the tent.**

3 **Q. Was the flap open or closed?**

4 **A. I think it was closed. But I don't have**
5 **a hundred percent recollection of that.**

6 **Q. Did Mr. Ray ever come out and check on**
7 **Dennis?**

8 **A. No.**

9 **Q. How long would you say Dennis was acting**
10 **as he was?**

11 **A. It seemed like a long time. I don't know**
12 **the time frame.**

13 **Q. And where were you during that whole**
14 **time?**

15 **A. I was sitting in my chair.**

16 **Q. Who tended to Dennis?**

17 **A. I assume Christine Jobe, Barb Waters.**
18 **Two that I remember. The mom of the little girl**
19 **that was there -- Sara.**

20 **Q. You mentioned that you started crying**
21 **because it was so upsetting?**

22 **A. Yeah.**

23 **Q. How long were you upset for?**

24 **A. Well, at that point quite a bit. Because**
25 **my friend Amy was brought out along that same time**

1 **line. She was unconscious. And so I was upset for**
2 **quite some time after that.**

3 **Q. And let's talk about Amy. First of all,**
4 **do you recall what round it was that Dennis came**
5 **out and was screaming?**

6 **A. Not precisely. No. If I had to guess,**
7 **it would be the next round after the -- after the**
8 **sixth round.**

9 **Q. And when was your attention drawn to Amy?**

10 **A. When she was brought out after the sixth**
11 **round. There was four people carrying her out, one**
12 **by each limb. And they put her down on the tarp**
13 **next to me where I was sitting in my chair at that**
14 **point and were hosing her off.**

15 **She wasn't breathing -- I couldn't tell**
16 **if she was breathing. She was unconscious and --**
17 **which was very troublesome. She was my friend. I**
18 **immediately got down there. That's when they told**
19 **me again, this is her experience. Even if it looks**
20 **like this, this is still her experience, and you**
21 **can't mess with it. I'm, like, you're kidding.**

22 **Q. Who said that?**

23 **A. That was Christine Jobe.**

24 **Q. And she was a Dream Team member?**

25 **A. Yes.**

1 Q. Where was Amy sitting inside the sweat
2 lodge?
3 A. She was sitting close to the flap, close
4 to James.
5 Q. When did you become aware of her -- when
6 did you first become aware she was being
7 brought out of the sweat lodge?
8 A. As the flap was opened and four people
9 were carrying her.
10 Q. Did the four people come from the inside?
11 A. No. They were outside. I don't know how
12 she made it to the flap.
13 Q. Where was Mr. Ray as Amy was being
14 brought out?
15 A. In the tent.
16 Q. And where in the tent?
17 A. At the flap. Right there.
18 Q. Did you see Mr. Ray react in any way to
19 Amy?
20 A. No. He was inside the tent.
21 Q. Amy then was laid down where?
22 A. There were already -- Bill and -- Bill
23 and Dennis were there. And they were throwing up
24 on each other. So this was, like, really
25 uninhabitable. And then they put Amy way back in

1 the back. And they put her longwise.
2 Q. What did you do with respect to Amy?
3 A. I sat there and watched to make sure her
4 stomach was breathing, like, it was moving. And
5 her stomach was moving even though she was still
6 not coming to. And eventually she did come to.
7 They helped her sit up. Barb was helping her sit
8 up.
9 And she just said, wait a minute. What
10 happened? Let me think about this. Like, she was
11 really confused. She had no recollection of how
12 she had gotten there or what was going on or why
13 she was where she was.
14 Q. How long would you say it was between the
15 time she was brought out and the time she came to?
16 A. Several minutes.
17 Q. During that time did somebody cool her
18 down with water?
19 A. They were putting water on her.
20 Q. And what else was being done for her?
21 A. Somebody was holding her hand. And that
22 was about it. Eventually she started throwing up.
23 And so they kind of moved her onto her side. I
24 just sat in my chair watching making sure she
25 didn't have any issues throwing up. Everything

1 seemed to be going fine as far as that goes.
2 Q. As far as not consuming her vomit?
3 A. Right.
4 Q. How were you feeling at that time?
5 A. I was crying. It was very upsetting for
6 someone to tell me I can't help my friend who seems
7 to be having issues. She just came out
8 unconscious.
9 Q. Once Amy came to, what did you observe
10 about her?
11 A. She couldn't remember anything. She had
12 no recollection. She couldn't stop throwing up.
13 She threw up from then all the way until she was
14 taken to the hospital. So it was fairly severe.
15 She had a terrible headache. And she
16 just kept asking, wanted people to tell her how she
17 got there and wanting to understand what had
18 happened.
19 Q. How many minutes would you say you were
20 with her before she was taken to the hospital?
21 A. A very long time. It was -- that was,
22 like, the sixth round. We still had two more
23 rounds to go, the helicopters all that. We took
24 her to her room. And she laid there for maybe an
25 hour before the paramedics actually came and took

1 her out of her room. She didn't want to go. And
2 they actually came and got her and put her in the
3 ambulance.
4 Q. During that time did you observe whether
5 Amy ever regained any recollection of what had
6 happened?
7 A. She could say that she remembered bits
8 and pieces of sitting there in the tent and then
9 remembering it being hot. But then she didn't
10 remember anything after that.
11 Q. You said that you, and I think you used
12 the words "We took her to her cabin." When was
13 that?
14 A. Whenever the EMS and -- you know -- and
15 all the helicopters came in. She -- we were kind
16 of instructed that if we didn't need immediate
17 medical attention that we were to go back to our
18 rooms and then eventually to the dining room.
19 So we -- I don't remember who it was.
20 There was two of us helping her. So we both kind
21 of took her one on each side and carried her back
22 to her space. She could move her legs, but she
23 would not -- she couldn't do it by herself.
24 Q. Who instructed you to leave the area if
25 you could?

- 1 **A. It was the Dream Teamers. They were**
 2 **saying we needed to go. Yeah.**
 3 **Q.** Have you had any emergency medical
 4 response training?
 5 **A. No.**
 6 **Q.** Who made the decision at that time that
 7 Amy was okay to go to her room as opposed to
 8 getting tended to by the paramedics?
 9 **A. No one. I mean, she said, well, I guess**
 10 **we have to go.**
 11 **Q.** How were you feeling at that time?
 12 **A. I was nauseous and had a really bad**
 13 **headache.**
 14 **Q.** Were you thinking clearly at that time?
 15 **A. I was coherent. I don't know if I was**
 16 **thinking clearly. I mean, I think clearly would**
 17 **have been you should be checked out by the**
 18 **paramedic right now.**
 19 **Q.** Let's go back, then. You talked about
 20 Amy coming out. You said four people carried her
 21 out. Did you see what those four people did after
 22 they put Amy on the tarp?
 23 **A. I know that they put her down hard.**
 24 **And --**
 25 **Q.** And why do you say that?

- 1 **A. They put her on her tailbone. So the way**
 2 **she landed was not graceful. And then, I think, it**
 3 **was pretty much Barb and Christine were with her.**
 4 **One of them was getting the hose and squirting her**
 5 **down. The other was holding her hand. The other**
 6 **two left, went and dealt with Dennis and Bill.**
 7 **They were projectile vomiting on each other. It**
 8 **was just foul.**
 9 **Q.** You talked a little bit about Bill. Do
 10 you recall Bill's last name?
 11 **A. No.**
 12 **Q.** Was this the same Bill that was in the
 13 Samurai Game?
 14 **A. Yes. Domeo.**
 15 **Q.** That was your leader in the Samurai Game?
 16 **A. Yes.**
 17 **Q.** What did Bill look like?
 18 **A. He was extremely tall, six five or so.**
 19 **He's a really big guy. Yeah.**
 20 **Q.** What brought your attention first to
 21 Bill?
 22 **A. As he's laying there?**
 23 **Q.** Well, were you aware of him coming out of
 24 the sweat lodge?
 25 **A. No.**

- 1 **Q.** Do you know how he got out?
 2 **A. No.**
 3 **Q.** Do you know how he made his way to the
 4 tarp?
 5 **A. No. This was about the same time Dennis**
 6 **was doing his yelling thing. So I was a little**
 7 **distracted.**
 8 **Q.** Once Bill was on the tarp, what brought
 9 your attention to him?
 10 **A. The fact that they were projectile**
 11 **vomiting on each other. I think that's unsanitary.**
 12 **And I have problems with that.**
 13 **Q.** And that was Dennis and Bill?
 14 **A. Uh-huh.**
 15 **Q.** Where -- were they on the tarp? Can you
 16 show us where they were laying.
 17 **A. They were like -- they were there.**
 18 **Q.** On the edge of the tarp?
 19 **A. Yes.**
 20 **Q.** How long was it that the two of them were
 21 vomiting?
 22 **A. A long time. I don't think they stopped**
 23 **until it was all over. I don't know at what point**
 24 **they did stop. They were still just laying there.**
 25 **At the end it was everybody laying on the tarps,**

- 1 **and they were still there.**
 2 **Q.** Did -- do you recall Bill saying
 3 anything?
 4 **A. Huh-uh.**
 5 **Q.** Do you recall if Mr. Ray ever came out
 6 and checked on Bill or Dennis?
 7 **A. He said something to Dennis because**
 8 **Dennis said something like I felt like I died. I**
 9 **think I died. And yeah. James made a comment.**
 10 **Q.** And when was that?
 11 **A. That was at the end when James was coming**
 12 **out of the tent.**
 13 **Q.** This is after it was over?
 14 **A. Yes.**
 15 **Q.** Where were you when you heard Dennis make
 16 that comment?
 17 **A. I was sitting in my chair.**
 18 **Q.** And where was Dennis?
 19 **A. Still on the tarp there. He was actually**
 20 **sitting up now instead of laying down.**
 21 **Q.** And where was Mr. Ray when Dennis made
 22 that comment to him?
 23 **A. I don't precisely remember. It was**
 24 **somewhere in transit from there to the chair. He**
 25 **sat in the chair next to where I was sitting. So**

1 all three of us were sitting on the back chairs.

2 Q. What did you hear Dennis say to Mr. Ray?

3 A. I think I died. I feel like I died.

4 Q. Did you hear Mr. Ray respond?

5 A. I did.

6 Q. And what did he say?

7 A. I don't have a recollection exactly what

8 he said. I remember it didn't seem appropriate

9 whatever he said.

10 Q. Do you remember any of the words at all?

11 MR. KELLY: Your Honor, objection. Asked and
12 answered, lack of foundation.

13 THE COURT: That would call for a yes or no if
14 you can answer that last question, Ms. Rainey.

15 THE WITNESS: Okay.

16 The last question was?

17 Q. BY MS. POLK: Do you remember any of the
18 words that Mr. Ray used in responding to Dennis's
19 comment?

20 A. Yes. I remember the gist was like it was
21 a good day to die --

22 MR. KELLY: Same objection.

23 THE COURT: Sustained.

24 Q. BY MS. POLK: Did you see what happened
25 to Bill, then, as time went by?

1 A. No.

2 Q. Did you become aware of anybody else
3 coming out of the sweat lodge while you were
4 sitting there -- laying there or sitting there?

5 A. Yes. I was sitting there pretty much
6 until the end. I saw everybody come out. And at
7 the very end, everybody just sort of files out.
8 And then the people that were not able to do it by
9 themselves had to be taken out. And so people were
10 going back into the sweat lodge to carry people
11 out. And I saw them as they were laying them.

12 Q. Was your attention drawn to anybody in
13 particular?

14 A. Yeah. Tess was one that -- she was laid
15 near Dennis and Bill. And she was with her face
16 pointing towards the dirt. And there was, like,
17 these horrible sound coming from her, like snorting
18 or -- I don't know. It was very odd sound.

19 And James makes a comment, whose doing
20 that? And Dream Teamers are walking around like
21 this triage, like all these people laying on the
22 tarps trying to figure out who it was. And they
23 roll Tess over. And she was having a seizure.

24 Q. And let me stop you there. Tell us what
25 you observed about her that made you make that

1 statement.

2 A. There was foam coming out of her mouth,
3 and her eyes were rolled back in her head.

4 Q. And was she breathing?

5 A. I have no idea.

6 Q. You talked about her breathing earlier.

7 What could you hear?

8 A. Like, snorts; like, difficulty in
9 breathing.

10 Q. Was Tess on one of the tarps?

11 A. Yes.

12 Q. Which one?

13 A. The same tarp she was next to where
14 Dennis and Bill were.

15 Q. Did you see what was done for her?

16 A. No. I didn't.

17 Q. You made the -- you testified that
18 Mr. Ray said, who is making that sound? Where was
19 Mr. Ray when he said that?

20 A. He was sitting in the chair, three chairs
21 over.

22 Q. Can you show us on the picture.

23 A. It's not pictured. But it would be
24 behind this tarp there was a row of chairs.

25 Q. How far was Tess from Mr. Ray?

1 A. Three feet.

2 Q. Did he get up and check on her?

3 A. No.

4 Q. And did the noise stop?

5 A. I don't know. I'm assuming it did.

6 There was a lot of commotion. There was yelling
7 over here, and there was a lot of things going on.
8 I got distracted.

9 Q. Did you observe what eventually happened
10 to Tess in terms of people taking care of her?

11 A. No.

12 Q. Do you know if she was assisted to by the
13 paramedics?

14 A. Yes.

15 Q. And how do you know that?

16 A. Someone told me she was.

17 Q. But you personally never observed her
18 again?

19 A. No.

20 Q. What else did you observe when it was
21 over?

22 A. Kristine -- Kristina Bivins was over on
23 this tarp, like, on the very end. And she was
24 yelling and kicking and just throwing her arms and
25 legs around. She was kicking the people that were

1 trying to calm her down. So it was a bit dangerous
2 for them. And she was yelling a lot of different
3 things, very inappropriate things. And she was
4 asking for James.

5 Q. I'm going to put back up on the overhead
6 Exhibit 1050. Do we see Kristina Bivins in this
7 picture?

8 A. Yes.

9 Q. And who is she?

10 A. That's Kristina Bivins.

11 Q. Did you see how she came out of the sweat
12 lodge, how she got out?

13 A. No.

14 Q. When did you first became aware of her?

15 A. The kicking and the tantrum, the
16 commotion that was going on on the side.

17 Q. And specifically what do you mean? Was
18 she lying down?

19 A. Yes.

20 Q. And how was it that she was kicking? Or
21 you used the word "tantrum." What to you mean?

22 A. She was -- like, her legs were stiff, and
23 she was kicking. She was kicking people off that
24 were trying to contain her. Her arms were flapping
25 up in the air. It was very -- It was a very

1 violent scene going on there. So the people that
2 were trying to contain her would get kicked.

3 Q. And then what happened?

4 A. She was calling for James. So one of
5 them came over and said, she wants to talk to you,
6 James. And so James went over to talk to her.

7 Q. Did you hear what he said?

8 A. Not precisely. He was -- he leaned down
9 and looked at her. And that's about all I have
10 true recollection of. I remember them saying
11 something.

12 Q. Did Kristine calm down?

13 A. She did.

14 Q. How long was she kicking and acting in
15 the way you just described?

16 A. A few minutes. I know that she grabbed
17 his leg as he was leaving too. And she was not --
18 she wasn't together. She was not acting
19 coherently.

20 Q. Did you see where James Ray went after
21 approaching Kristine?

22 A. It seems like that's whenever Megan came
23 up and whispered something in his ear. And I took
24 it to mean that there was something else going on.
25 And so that's whenever I think he walked behind the

1 tent where Kirby and James were.

2 Q. And I'm going to put back up on the
3 overhead Exhibit 1058.

4 You mentioned Megan. Do we see her in
5 this picture?

6 A. Yes. ~~That's Megan.~~

7 Q. And how frequently did you see Megan
8 approach Mr. Ray and whisper something in his ear?

9 A. I only saw it that one time.

10 Q. Where was Mr. Ray when Megan approached
11 him?

12 A. Somewhere over on the side near where
13 Kristina was. He hadn't made his way anywhere else
14 really yet.

15 Q. And where were you?

16 A. I was standing over -- do you want to put
17 the little chart back up?

18 I was standing back over in this section
19 at that point.

20 Q. What were you doing?

21 A. Just kind of watching everything.
22 Somebody had come up to me. There were other
23 people that wanted to sit in the chairs. That's
24 why I moved from my chair. And then people were
25 coming up and asking and just making note of this

1 is what's going on with that person or that person.
2 And they asked me if I knew CPR. So all of that
3 was happening as some of this other stuff was
4 happening.

5 Q. How were you feeling at that time?

6 A. Like this was very, very bad.

7 Q. Do you know CPR?

8 A. No.

9 Q. You mentioned earlier that a person named
10 Taylor Butler is Mr. Ray's or was Mr. Ray's
11 personal assistant?

12 A. Yes.

13 Q. Do you know where she was sitting during
14 the sweat lodge ceremony?

15 A. Next to him. Actually, I don't know if
16 it was next to him or next to Megan. I'm not sure
17 of the exact order.

18 Q. After the sweat lodge was over, did you
19 hear her say anything to Mr. Ray?

20 A. Yes.

21 Q. What did you hear her say?

22 A. He asked her, what did you think about
23 it? And she said, nobody does a sweat lodge like
24 you, James.

25 Q. When did that conversation occur?

1 **A. Just as they came out.**
 2 **Q.** And you said, "He asked her." Who is
 3 "he"?
 4 **A. James.**
 5 **Q.** James Ray?
 6 **A. Uh-huh.**
 7 **Q.** Where were you when you heard James Ray
 8 say something to Taylor?
 9 **A. I was in my chair.**
 10 **Q.** And what did you hear him say?
 11 **A. What did you think about the sweat lodge?**
 12 **Q.** And was Mr. Ray standing in front of the
 13 sweat lodge at the time?
 14 **A. Yes. He had just come out.**
 15 **Q.** And what did Taylor say?
 16 **A. Nobody does a sweat lodge like you,**
 17 **James.**
 18 **Q.** After that conversation where did Mr. Ray
 19 go?
 20 **A. He came and sat down in the chairs.**
 21 **Q.** Did you observe Mr. Ray's condition as he
 22 came out of the sweat lodge?
 23 **A. Yes.**
 24 **Q.** What did you observe?
 25 **A. He seemed sweaty.**

1 **Q.** Did his condition contrast with what you
 2 saw in others?
 3 **A. Yes.**
 4 **Q.** And how so?
 5 **A. He was able to walk. He wasn't -- he**
 6 **didn't seem sick. He wasn't throwing up. He**
 7 **seemed -- he seemed normal.**
 8 **Q.** Where was your attention drawn to next?
 9 You started to talk about the other side of the
 10 tent.
 11 **A. Yeah. So I looked back over to find my**
 12 **friend Amy to see how she's doing. She had**
 13 **eventually gotten up and sat in a chair. And she**
 14 **wasn't there anymore. So that got me worried about**
 15 **where did she go. She shouldn't be wandering.**
 16 **So I went looking everywhere through all**
 17 **the different people trying to find where she was.**
 18 **Eventually I found her behind the tent that's not**
 19 **actually shown here. She was throwing up behind**
 20 **the tent.**
 21 **Q.** Did you talk to Amy at that time?
 22 **A. Yes.**
 23 **Q.** What did you say?
 24 **A. I said, why are you over here?**
 25 **Q.** And what did Amy say?

1 **MR. KELLY.** Your Honor, I'm going to object to
 2 the hearsay.
 3 **THE COURT:** Sustained.
 4 **Q.** BY MS. POLK: Did you do anything further
 5 with Amy?
 6 **A. I was with her the rest of the time.**
 7 **Q.** And what did you observe about Amy?
 8 **A. She was --**
 9 **MR. KELLY:** Your Honor, object. Lack of
 10 foundation, characterization of that answer.
 11 **THE COURT:** The question is what did you
 12 observe? So overruled.
 13 You may answer that.
 14 **THE WITNESS:** She was still vomiting. She had
 15 cramps in her stomach. They were really bad
 16 cramps.
 17 **MR. KELLY:** Objection. Lack of foundation.
 18 **THE COURT:** Sustained.
 19 **Q.** BY MS. POLK: Where were you when Amy --
 20 when she was still throwing up?
 21 **A. She was sitting on the golf cart. So I**
 22 **crouched down next to her at the golf cart.**
 23 **Q.** For what purpose?
 24 **A. To support her.**
 25 **Q.** And then what happened?

1 **A. More of the helicopters and all that**
 2 **stuff started to happen. So eventually we were**
 3 **told we needed to go back to our rooms. So we**
 4 **helped Amy get to her room.**
 5 **Q.** Did you before going back to your room
 6 become aware of what was going on on the far side
 7 of the tent?
 8 **A. Yes.**
 9 **Q.** How did you become aware of that?
 10 **A. Whenever I was standing over on that**
 11 **section, I kind of saw what was going on.**
 12 **Q.** Tell the jury what you saw.
 13 **A. I saw two bodies and people giving CPR.**
 14 **And I was told I needed to turn around. Yeah. I**
 15 **don't know CPR. I should go.**
 16 **Q.** And do you know at that time who those
 17 people were receiving CPR?
 18 **A. Yes.**
 19 **Q.** Who were they?
 20 **A. Kirby and James.**
 21 **Q.** James Shore?
 22 **A. James Shore.**
 23 **Q.** Did you see Mr. Ray in the area when you
 24 saw Kirby and James getting CPR?
 25 **A. At one point I did see him over there.**

1 **And he was standing there watching. He had his**
2 **hand like this looking at the situation.**

3 **Q.** Do you have any idea what time it was
4 that you went back to your room?

5 **A. No.**

6 **Q.** Do you have any recollection today how
7 much time passed from the time that emergency
8 responders arrived and the time you went back to
9 your room?

10 **A. From the time that they arrived to the**
11 **time that we went back to our room, it might have**
12 **been, like, 20 or 30 minutes.**

13 **Q.** How did you get back to your room?

14 **A. Walked.**

15 **Q.** You said that Amy was in a golf cart?

16 **A. She was sitting next to the golf cart.**

17 **Q.** Sitting next to it?

18 **A. She was sitting where your feet go on the**
19 **golf cart throwing up.**

20 **Q.** How did Amy get back to her room?

21 **A. Like this. We carried her. I mean,**
22 **there was two of us. And I was on one side, and**
23 **somebody on the other side. And we kind of**
24 **escorted her back to the room.**

25 **Q.** Where was Amy's room with respect to your

1 room?

2 **A. I was in the teepee. And she -- so it**
3 **was maybe 20 feet from this little house. And Amy**
4 **was on the porch of that house. That was her cot.**

5 **Q.** Did you take her then to her cot?

6 **A. Yes.**

7 **Q.** And what did you do with her there?

8 **A. I soaked a towel with some water to kind**
9 **of relieve some of the inflammation that was going**
10 **on in her stomach. So she asked me for some**
11 **Motrin, told me to dig through her purse.**

12 **So I questioned her. She said, I'm in**
13 **the medical field. I know what I'm doing. She**
14 **took some Motrin. I gave her some water. And then**
15 **somebody came and told us that we had to be in the**
16 **kitchen. And Amy is, like, I can't go.**

17 **So I went to the kitchen, checked in.**
18 **There was nothing going on, so I walked right back**
19 **and just hung out with her until the people told us**
20 **we had to. We didn't have a choice.**

21 **Q.** Did you ever get showered?

22 **A. Yes, I did.**

23 **Q.** And when was that?

24 **A. It was after -- Amy was just going to sit**
25 **in her room, and she was going to let her Motrin**

1 **take effect. There were, like, three or four other**
2 **people there sitting with her. So at that point I**
3 **went and took a shower.**

4 **Q.** How were you feeling?

5 **A. When I saw myself in the mirror, I kind**
6 **of got to assess how I was doing. And I saw, like,**
7 **blood vessels burst in my eyes. I saw myself,**
8 **like, how flushed and -- I didn't look well. And**
9 **it sort of surprised me. I still had a major**
10 **headache and stomach cramps, but they were nothing**
11 **like the other people that were going on. So I**
12 **didn't think anything about it.**

13 **Q.** How was it that you learned that you were
14 supposed to go back to the kitchen?

15 **A. There were -- I don't think they were**
16 **Dream Teamers. But it was, like, other**
17 **participants would come. And they would be, like,**
18 **we're supposed to go back here. We need to go back**
19 **there.**

20 **And then occasionally a Dream Teamer**
21 **would come through and told Amy she needed to. And**
22 **she said, I'm not going.**

23 **It was probably maybe an hour of trying**
24 **to get Amy to go to the kitchen or see a paramedic,**
25 **and she wouldn't.**

1 **Q.** What was she doing?

2 **A. Laying in her bed suffering.**

3 **Q.** Did she ever go to the kitchen area?

4 **A. No.**

5 **Q.** And did you?

6 **A. I did. Yes.**

7 **Q.** You went one time, came back. Did you go
8 a second time?

9 **A. I went to go find -- I went to tell**
10 **somebody she wasn't going to. That's whenever they**
11 **said well, then we're going to have the paramedics**
12 **come and take her. So I went back and told her**
13 **that if she doesn't go to the kitchen, they're**
14 **going to make you go to the hospital. Is that what**
15 **you want?**

16 **And she says, I'm not going to -- I'm**
17 **just going to lay here. I'm just going to stay**
18 **here. I don't feel good.**

19 **And so it kind of got left there. So the**
20 **paramedics actually came and took her from her bed.**
21 **And she was not happy about it.**

22 **Q.** And did you see where they took her?

23 **A. They took her to the ambulance. And then**
24 **the ambulance broke down. But they took her to the**
25 **ambulance.**

1 Q. Did you have any further conversations
2 with Amy?

3 A. A couple in the ambulance just checking
4 in to make sure she's okay, because she's just
5 there in the ambulance as they were waiting to
6 bring another one so they could take her. And so I
7 checked with her a couple times.

8 And then I went to go find a higher
9 ground on the property so that I could actually get
10 a text out. Her friend was supposed to be meeting
11 her, and he was a medical doctor.

12 MR. KELLY: Object.

13 THE COURT: Sustained.

14 Q. BY MS. POLK: Let's back up a little bit.
15 Where was the ambulance that you helped Amy get to?

16 MR. KELLY: Your Honor, objection. Relevance.

17 THE COURT: Overruled.

18 You may answer that.

19 THE WITNESS: The ambulance was on the
20 driveway right in front of the house that Amy was
21 in the back of.

22 Q. BY MS. POLK: And how long were you with
23 Amy and the ambulance?

24 A. Just maybe 15, 20 minutes. I was trying
25 to get in touch with her friend. So I had to go

1 far to get that information and then go back to the
2 kitchen.

3 Q. How did you become aware that the
4 ambulance was broken down?

5 MR. KELLY: Your Honor, objection. Relevance.

6 THE COURT: Overruled.

7 Q. BY MS. POLK: What happened to Amy then?

8 MR. KELLY: Your Honor, objection. It's based
9 on hearsay.

10 THE COURT: Sustained.

11 Q. BY MS. POLK: Were you present with Amy
12 until she left the area in an ambulance?

13 A. Off and on.

14 Q. And during the time that you were present
15 with her, did you see her move to a second
16 ambulance?

17 A. I did not. No.

18 Q. What was the -- when was the last time
19 you saw Amy?

20 A. In the broken down ambulance.

21 Q. And what did you do, then, after your
22 last contact with Amy?

23 A. I was told that I had to go to the
24 kitchen now. And --

25 Q. Do you recall who told you that?

1 A. No. Not specifically. And because there
2 was officials there, paramedics were there, and
3 that's where you're suppose to get checked out. So
4 I went there. I got checked out, and they told me
5 I had to go to the hospital.

6 Q. What were you feeling -- physically what
7 were you feeling when you got checked out and were
8 told to go to the hospital?

9 A. At the time I was still having a really
10 bad headache and cramps in my stomach.

11 Q. Were you told why you should go to the
12 hospital?

13 A. Yeah. They told me I had classic signs
14 of carbon monoxide poisoning.

15 Q. Carbon monoxide poisoning?

16 A. Yes.

17 Q. Did they tell you what the classic signs
18 were?

19 A. I asked that. And they said it was my
20 cheeks were flushed. I had red eyes. And that's
21 about it.

22 Q. How did you get to the hospital? Or did
23 you go to the hospital?

24 A. I did. In the ambulance with two other
25 people.

1 Q. Do you recall who was with you in the
2 ambulance?

3 A. Yeah. Michelle, Melissa -- Melissa and
4 Lynette.

5 Q. Do you recall what hospital you went to?

6 A. Verde Valley.

7 Q. And did you see somebody there?

8 A. Meaning a doctor or a policeman?

9 Q. A doctor.

10 A. Yes. I saw a doctor.

11 Q. How long -- how much time had passed from
12 the time you went in the ambulance to the time you
13 saw a doctor?

14 A. I don't know. Might have taken, like, 45
15 minutes to get there and then probably another hour
16 before I saw somebody.

17 Q. During the time, Ms. Rainey, that you
18 were in the kitchen or in the dining room, did any
19 officials address you?

20 A. Yes.

21 Q. Address the group?

22 A. Yes.

23 Q. And how many people in terms of
24 participants would you say were in the area when
25 you were addressed?

1 **A. The room was filled. So a bunch.**
 2 **Q.** And what were you being told?
 3 **A. That they were going to -- they needed to**
 4 **get testimony from each of us or we had to testify**
 5 **or something like we had to give a statement.**
 6 **That's what it was. We had to give them a**
 7 **statement, and that was going to take some time.**
 8 **And please be patient because there is a bunch of**
 9 **us.**
 10 **Q.** Did you give a statement before you went
 11 to the hospital?
 12 **A. I did not.**
 13 **Q.** Did you later give a statement?
 14 **A. Yes.**
 15 **Q.** Do you recall who you saw at the
 16 hospital?
 17 **A. No.**
 18 **Q.** And how long were you seen for? Do you
 19 recall?
 20 **A. There was a bunch of different people**
 21 **coming in. They took blood work. They did an**
 22 **abdomen X ray. They did other tests. So the**
 23 **actual doctor, I think, I only saw for maybe 20**
 24 **minutes, maybe 30.**
 25 **Q.** I'm going to put up Exhibit 208, which

1 has been admitted. And these are your medical
 2 records from the Verde Valley Medical Center. I'm
 3 going to put up here what's Bates stamped at 1946.
 4 First of all, do you see your name on
 5 this medical record?
 6 **A. Yes.**
 7 **Q.** And you see the attending physician as
 8 Jeffrey Crowder, MD?
 9 **A. Yes.**
 10 **Q.** You remember him specifically?
 11 **A. I remember his name.**
 12 **MR. KELLY:** Your Honor, I'm going to object to
 13 the leading question. The exhibit speaks for
 14 itself.
 15 **THE COURT:** Overruled.
 16 **Q.** BY MS. POLK: I just want to draw your
 17 attention, Ms. Rainey, to the section here that
 18 says you were given materials for heat exhaustion,
 19 abdominal pain, unknown cause.
 20 **MR. KELLY:** Objection, Your Honor. Leading.
 21 **THE COURT:** Overruled.
 22 **Q.** BY MS. POLK: What materials were you
 23 given?
 24 **MR. KELLY:** Objection, Your Honor. Leading.
 25 **THE COURT:** Overruled.

1 You may answer that.
 2 **MR. KELLY:** Your Honor, may we approach?
 3 **THE COURT:** It's time for the noon recess at
 4 this time, ladies and gentlemen. Please remember
 5 the admonition. Please be reassembled at the usual
 6 time, 1:30.
 7 And, Ms. Rainey, you're also excused at
 8 this time. Remember the rule of exclusion I
 9 discussed with you.
 10 I'm going to ask the attorneys, parties,
 11 to please remain for a few minutes.
 12 Thank you.
 13 (Proceedings continued outside presence
 14 of jury.)
 15 **THE COURT:** The record will show the jury has
 16 left the courtroom. Ms. Rainey is exiting as well.
 17 **Mr. Kelly.**
 18 I wanted to note one thing. Ms. Polk,
 19 you referred to Exhibit 308 I think. I don't think
 20 that's the number, at least on the list I'm looking
 21 at. If you would check that, please.
 22 **MS. POLK:** 208.
 23 **THE COURT:** 208. Okay. 208.
 24 And then, Mr. Kelly.
 25 **MR. KELLY:** Judge, again, throughout the

1 course of this trial I've objected to the
 2 continuing leading questions by the prosecutor.
 3 The exhibit speaks for itself. It was authored by
 4 Dr. Crowder. The State of Arizona is entitled to
 5 call Dr. Crowder if they want a medical opinion as
 6 to what that document means.
 7 We've heard from four or five doctors
 8 now. They've interpreted the document. And
 9 these -- I just don't understand why you don't ask
 10 the question: What were you told to do when you
 11 left the hospital? What did you receive? Instead
 12 of I want to direct your attention to this, and
 13 then read it to the jury, then ask a question. Is
 14 that what you were given?
 15 So it's a continuing objection, Judge. I
 16 appreciate the opportunity.
 17 **THE COURT:** Ms. Polk.
 18 **MS. POLK:** Your Honor, this is an exhibit that
 19 is admitted into evidence. These are the medical
 20 records for this witness. And I'm asking about her
 21 condition during and after the sweat lodge
 22 experience.
 23 And I will be asking her, then, what
 24 lingering signs she has. But there is no basis to
 25 suggest I can't ask a question from an exhibit that

1 is in evidence. And I simply was asking her about
2 what materials she takes. And I'm going to ask her
3 what she experienced over the next few days.

4 THE COURT: Mr. Kelly.

5 MR. KELLY: Judge, there are rules of evidence
6 that govern the propriety of questions and the form
7 of questions during direct examination. This is
8 improper. And it's continuous. It's every
9 witnesses. We began the objection with Melissa
10 Phillips, and it has continued with each and every
11 witness presented by Ms. Polk.

12 And, again, Judge, it's on the record.
13 I've articulated it. The record speaks for itself,
14 the form of the question.

15 And thank you for the opportunity to
16 argue it.

17 THE COURT: When you have a case that has
18 hundreds and hundreds of exhibits and there is
19 going to be testimony relating to a part of that
20 exhibit, it doesn't really focus things. It
21 doesn't really move the case along to just say that
22 the exhibit is going to speak for itself. So there
23 is that aspect.

24 There is another aspect, though, of
25 pointing out something and then noting what's in

1 the record itself, that it's an admitted record.
2 And it's appropriate to call someone's attention to
3 that.

4 I'll say this: A person cannot do a
5 self-diagnosis unless the person happens to be a
6 doctor, a physician. So a person cannot do that.
7 That's just hearsay.

8 But this is an admitted record. If it's
9 calling someone's attention to a particular part of
10 that record and questioning moves along, I'll
11 permit that.

12 The other aspect of it would be
13 refreshing recollection, that type of thing. It
14 might be brought up in that point.

15 MR. KELLY: Judge. Sorry. Apologize for
16 interrupting.

17 THE COURT: I was done.

18 MR. KELLY: I don't understand the relevance
19 of in a criminal case where my client is charged
20 with manslaughter asking witnesses why they're
21 upset or how they're feeling several days after
22 their medical treatment.

23 We have heard from the state's medical
24 experts in this case. The jury has that
25 information in front of them in regards to

1 diagnosis and the symptomatology associated with
2 those diagnoses.

3 So whether this witness is upset -- that
4 was one question earlier today. And, I believe,
5 Ms. Polk said, well, I'm going to ask her how she's
6 feeling the next day. It's not a civil negligence
7 case.

8 And so our continuing objection is
9 relevance. It's cumulative, a lot of this. And
10 we're forced to sit here in front of the jury and
11 appear to be obstreperous in representing our
12 client.

13 So I'd ask, Judge, some caution be
14 instructed to the State of Arizona as to presenting
15 relevant evidence. We've been through a bunch this
16 morning I would submit is not relevant, Judge.

17 THE COURT: There has been extensive
18 testimony, extensive cross-examination, on specific
19 symptoms people have suffered. And that's been
20 discussed with the medical experts at length. So
21 there is relevance to what symptoms people were
22 suffering.

23 I thought, Mr. Kelly, you had a
24 different -- your objection, then, is to now say
25 two days later -- you're saying it's not a personal

1 injury case where there is damage element to it.
2 So what's the relevance two days later? That's
3 your point right now?

4 MR. KELLY: Correct, Judge. We've heard from
5 the medical doctors. Those doctors have testified
6 symptomatology consistent with heat stroke,
7 toxidromes, from carbon monoxide poisoning, carbon
8 dioxide poisoning.

9 So I can understand questions about
10 direct observations from the witness in regards to
11 those symptoms which will assist the jury in
12 drawing a conclusion as to the cause of death. But
13 how this witness is feeling several days later,
14 unless she says something like, well, my pupils are
15 still pinpoint, then it would not fit into any of
16 those criteria used by the doctors in evaluating an
17 opinion. It's simply prejudicial.

18 If she doesn't feel well two days later
19 or today is irrelevant to this case. That's my
20 point, Judge, and whether or not she was upset.
21 That was an earlier question.

22 THE COURT: It's been some time. But the last
23 time I recall this issue coming up, there was an
24 aspect of relevance because of a lawsuit being
25 filed. There was some suggestion about the

1 validity of a lawsuit or questioning here. So
2 that added some relevance.

3 Ms. Polk, anticipating an objection now
4 to questions rights after lunch that are going to
5 go to how Ms. Rainey was feeling or had -- what
6 symptoms one day, two days, three days later.

7 MS. POLK: And, Your Honor, that is what
8 she'll testify to are the symptoms that she
9 continued to have, that are going to be
10 consistent -- that are consistent with the
11 heat-related illness.

12 They don't end that day. She continues
13 to have blisters and some physical symptoms as well
14 as some mental symptoms of -- associated with what
15 happened in the sweat lodge.

16 As the Court has pointed out, that is
17 relevant. We've taken a lot of testimony on signs
18 and symptoms. And this is another witness who was
19 in there. And these are the signs and symptoms she
20 experienced then and experienced afterwards.

21 THE COURT: With regard to the specific
22 objection before the Court, these records at this
23 time, I'm going to overrule that. But in the
24 future, some testimony and observations of what
25 people were suffering, there can be argument from

1 admitted exhibits. It can be brought about --
2 brought up in that fashion.

3 And we are getting into time
4 considerations again with this witness. And there
5 has been a full half day on direct with one
6 witness.

7 We'll be in recess. Thank you.

8 (Recess.)

9 (Proceedings continued in the presence of
10 jury.)

11 THE COURT: The record will show the presence
12 of Mr. Ray, the attorneys, the jury, and the
13 witness. And Ms. Rainey has returned to the
14 witness stand.

15 Ms. Polk.

16 MS. POLK: Thank you, Your Honor.

17 Q. Good afternoon, Ms. Rainey. I'm going to
18 put back up on the overhead Exhibit 208, which we
19 started to look at before the break.

20 Ms. Rainey, the section here where it
21 says, time seen, and it says 10/9/2009, 12:36 a.m.

22 Do you recall what time it was that you
23 went to the hospital.

24 A. Not precisely.

25 Q. And then down here, additional

1 information. This is the triage notes. The time
2 here is nine minutes after midnight. Do you recall
3 that you were there late into the night?

4 A. I knew it was late. I didn't know what
5 time.

6 Q. What time did you come back from the
7 hospital?

8 A. It was, like, 3:00, 3:30ish.

9 Q. 3:30 a.m.?

10 A. Uh-huh.

11 Q. And then the section that talks about
12 history of present illness. Could you tell the
13 jury what were your signs and symptoms when you
14 presented at the hospital.

15 A. I had red face. There was redness in my
16 eyes. I had -- the abdominal pain was probably the
17 worst thing, and then a headache.

18 Q. On this -- your medical record it talks
19 about disoriented on scene. First of all, did you
20 provide information to somebody at the hospital?

21 A. What type of information?

22 Q. About your symptoms.

23 A. I think so. I'm pretty sure I did.

24 Q. Do you recall what you provided with
25 respect to being disoriented?

1 A. No.

2 Q. And what do you recall today about being
3 disoriented at the scene?

4 A. I don't remember being disoriented when
5 the medics saw me at all.

6 Q. At some point were you disoriented?

7 A. When I first came out of the -- the tent,
8 I was a little disoriented just because I didn't
9 know spatially what was going on, where people were
10 standing and how the procedure was going to go.

11 Q. And then on this medical record, it's
12 written, sustained slight thermal burns to her
13 cheeks and legs from the hot rocks.

14 MR. KELLY: Your Honor, again I'm going to
15 object to the form of the question. It's improper.
16 That is what it says. It speaks for itself.

17 MS. POLK: Your Honor, I haven't asked the
18 question.

19 THE COURT: Go ahead and complete the
20 question, Ms. Polk.

21 Q. BY MS. POLK: What were your
22 symptoms with respect to -- did you have thermal
23 burns?

24 A. Yes.

25 Q. Describe for the jury what it looked

1 like. What is a thermal burn?

2 **A. On my legs there were blisters and -- I'm**
3 **not able to read this really quick. I mean, I**
4 **had -- there were blisters on my legs, and this**
5 **right here was red from heat.**

6 **Q.** Do you know when it was that you
7 developed blisters on your legs?

8 **A. That was upon exiting the tent is when I**
9 **got that.**

10 **Q.** When you entered the sweat lodge, did you
11 have any burns on your body?

12 **A. No.**

13 **Q.** Did you have any sunburn from the events
14 of the week?

15 **A. No.**

16 **Q.** I'm going to ask you a question about --
17 it states here hot, weak and dizzy but did not lose
18 consciousness.

19 MR. KELLY: Your Honor, the same objection.

20 THE COURT: Overruled.

21 Go ahead and complete the question,
22 Ms. Polk.

23 **Q.** BY MS. POLK: At some point did you feel
24 dizzy during the ceremony?

25 **A. It was upon exiting and trying to get up**

1 **from a reclined position to sitting up.**

2 **Q.** Before you participated in Mr. Ray's
3 sweat lodge ceremony, did Mr. Ray tell you what you
4 would experience in terms of physical reactions?

5 **A. Just that it was going to be really hot,**
6 **so hot that our skin would feel like it was**
7 **peeling.**

8 **Q.** Do you recall any comments about the
9 possibility of vomiting?

10 **A. I think throughout the whole thing he had**
11 **mentioned that was one way that the body purges.**
12 **So vomiting could happen.**

13 **Q.** Do you recall when it was that Mr. Ray
14 told you about purging?

15 **A. Not precisely. It was earlier in the**
16 **week.**

17 **Q.** Did Mr. Ray at any time ever advise you
18 on the signs and symptoms of heat-related illness,
19 such as heat exhaustion?

20 **A. No.**

21 **Q.** And do you -- did you know then what the
22 signs and symptoms of heat exhaustion are?

23 **A. No.**

24 **Q.** And I want to turn to the fourth page of
25 your medical record -- It's Bates 01946 -- and ask

1 you about discharge and specifically what
2 information you were given upon discharge.

3 **A. It was a hand-out and then some -- just**
4 **some medication.**

5 **Q.** What was the medication for?

6 **A. For the cramps, the abdominal pain.**

7 **Q.** After leaving the hospital where did you
8 go?

9 **A. I was picked up by Michael, who was the**
10 **sound guy. And he took me back to Angel Valley.**

11 **Q.** And how long did you stay at Angel Valley
12 before departing?

13 **A. I departed the -- I stayed that next day.**
14 **It was the next morning that I left.**

15 **Q.** And how did you leave? What sort of
16 transportation?

17 **A. It was a shuttle. It was a taxi really.**
18 **But it was a shuttle.**

19 **Q.** To get to the airport?

20 **A. Yes.**

21 **Q.** After leaving the Angel Valley area
22 the -- after leaving the state of Arizona, did you
23 continue to have any signs and symptoms?

24 **A. Yes.**

25 **Q.** And tell the jury what you had, what you

1 experienced.

2 **A. I had a breakout of rash that comes every**
3 **time I get exposed to heat. That was the biggest**
4 **one I remember. That's what happens right now. So**
5 **it's hard for me to remember exactly what happened**
6 **right after that. The abdominal pain did subside**
7 **after -- before I actually left Angel Valley. So**
8 **the day I left I probably didn't feel that again.**
9 **I didn't feel the headache anymore.**

10 **Q.** And do you -- how do you react to heat
11 today?

12 **A. I usually break out with a rash. They're**
13 **bumps, unexplained bumps.**

14 **Q.** In what sort of heat temperatures?

15 **A. Like, maybe 99 or a hundred it's**
16 **possible.**

17 **Q.** And what sort of rash will you break out
18 in?

19 **A. They're just blisters, blisters on my**
20 **ankles. Sometimes I get them on my elbows.**

21 **Q.** The heat blisters or the welts or the
22 thermal burns that were described that you
23 experienced that day -- how long did those remain?

24 **A. They subsided fairly quickly. It was**
25 **just on the shins there. And that -- probably**

1 within a couple days that was gone.

2 Q. Did you suffer any other signs and
3 symptoms as a result of being in the sweat lodge?

4 A. Like post-traumatic? Yeah. There was a
5 lot of that. There was a lot of fears that I
6 didn't used to have.

7 MR. KELLY: Your Honor, objection.

8 THE COURT: Sustained.

9 Q. BY MS. POLK: Ms. Rainey, do you know how
10 many rounds Mr. Ray conducted that ceremony for?

11 A. I believe it was eight or nine.

12 Q. And why do you believe that?

13 A. I left after the fifth -- because there
14 was a certain amount of pouches. There was one
15 extra one, which was our warm up. So there was
16 seven pouches and one extra. So eight.

17 Q. You believe it was eight rounds?

18 A. Uh-huh.

19 Q. Do you know what period of time the
20 ceremony covered?

21 A. I think it started around 2:30 to, like,
22 maybe 5:30, 6:00. I don't exactly know. I didn't
23 have my watch.

24 Q. You had talked to the jury a little bit
25 before the lunch break about Tess. I wanted to ask

1 you a couple more questions. When you first became
2 aware of Tess, what position was she in?

3 A. She was face down.

4 Q. And this was during or after the
5 ceremony?

6 A. After.

7 Q. The sound -- did you hear a sound?

8 A. Yes.

9 Q. And describe for the jury what you heard.

10 A. It was snorting, labored breathing.

11 Q. Who turned Tess over?

12 A. I don't remember. It was a Dream Teamer.

13 Q. And when she was turned over, what did
14 you see?

15 A. I saw foam coming out of her mouth, and
16 her eyes were rolled to the back of her head.

17 Q. After she was turned over, what position
18 was she in?

19 A. Just on her back.

20 Q. And how long did Tess remain on her back
21 once she was put in that position?

22 A. I don't have that information. I don't
23 know.

24 Q. Did you make any observations about what
25 you described as foam after she was turned over on

1 her back?

2 A. Say that again.

3 Q. After Tess was turned over on her back,
4 did you continue to see foam?

5 A. Yes.

6 Q. And did you observe whether anybody wiped
7 it away?

8 A. No. No one wiped it away.

9 Q. What did you observe about the foam?

10 A. It was dripping down her face. I don't
11 know.

12 Q. And did it increase once she was on her
13 back, for example?

14 A. I actually don't remember that.

15 Q. Did you observe whether anybody cooled
16 Tess down?

17 A. I didn't observe.

18 Q. Was she on the tarp that was wet?

19 A. Yes.

20 Q. Other than the individuals that you
21 testified about, did you see anybody else in
22 distress after the ceremony was over?

23 A. I saw a bunch of people. They were all
24 laid out. So yes, I did. I specifically helped
25 Linda Andresano. I don't know how to say her last

1 name. Andresano.

2 Q. How did you become aware of Linda?

3 A. Because she was -- first I became aware
4 because I saw her hand sticking out of the tent,
5 and it wasn't moving. And so me and -- I think her
6 name was Sheila -- were noticing that there was
7 still people not -- were still being brought out.

8 And we noticed there wasn't a hand
9 moving. Then we saw somebody drag her out. And it
10 was Linda. That was the first time I became aware
11 of her. And then after that she was staying in the
12 same room or in the same house as Amy. So she was
13 there at the house while we were waiting for the
14 paramedics and that whole thing.

15 Q. What did you observe about Linda then?

16 A. She seemed disoriented. She was cold
17 still. She was still wrapped in towels and
18 blankets. And she said she was nauseous. That's
19 all I remember.

20 Q. I'm going to put back up on the overhead
21 Exhibit 144. Maybe it's not the best exhibit. My
22 question is -- actually, let me put back up 145.
23 What part of the tent did you see her hand coming
24 out of?

25 A. The side of the baskets.

1 Q. Show the jury where.
 2 Is that the door area?
 3 A. **No. It was further around than the door.**
 4 Q. It was not the door?
 5 A. **It was not the door.**
 6 Q. Did you make any observations about the
 7 hand?
 8 A. **It wasn't moving.**
 9 Q. Did you notice its color?
 10 A. **It looked dirty.**
 11 Q. Do you know how many minutes after the
 12 ceremony was over that you became aware of Linda's
 13 hand?
 14 A. **No. It all kind of seemed to be**
 15 **happening all at once.**
 16 Q. Did you -- you identified Sidney Spencer
 17 in one of the photographs earlier. I'm going to
 18 put back up on the overhead Exhibit 1049.
 19 Is that Sidney Spencer?
 20 A. **Yes.**
 21 Q. Did you become aware of Sidney Spencer at
 22 any time during the sweat lodge ceremony?
 23 A. **No.**
 24 Q. How about after?
 25 A. **No.**

1 Q. Did you become aware at any point of Liz
 2 Neuman?
 3 A. **No. It was just people telling me what**
 4 **was going on.**
 5 Q. After the ceremony was over, did you ever
 6 see Liz?
 7 A. **No.**
 8 Q. Did you ever become aware of Stephen Ray?
 9 A. **No. Not until I was told.**
 10 MS. POLK: Thank you, Your Honor. I have no
 11 further questions.
 12 THE COURT: Thank you, Counsel.
 13 Mr. Kelly.
 14 CROSS-EXAMINATION
 15 BY MR. KELLY:
 16 Q. Ms. Rainey, my name is Tom Kelly. I'm
 17 one of the attorneys representing Mr. Ray. You and
 18 I have never met; correct?
 19 A. **Correct.**
 20 Q. If you can't understand me, tell me. I
 21 have a soft voice so I'm going to wear this
 22 microphone.
 23 A. **Okay.**
 24 Q. Now, I believe I heard your testimony
 25 that the only time you were disoriented on the

1 scene was when you immediately left the tent.
 2 Correct?
 3 A. **Yes. The first little bit when I was**
 4 **drug out.**
 5 Q. And that was before any of the emergency
 6 medical providers had responded to the scene;
 7 correct?
 8 A. **Correct.**
 9 Q. It was quite some time before they
 10 arrived? Perhaps a half hour, 45 minutes; correct?
 11 A. **I don't really know the length of time.**
 12 Q. Okay. What I'm trying to point out is, I
 13 believe you told the jury the only time you were
 14 disoriented was immediately coming out of the tent
 15 when you described to this jury you were on the
 16 tarp. Later you got up in the chair; correct?
 17 A. **Right.**
 18 Q. So I take it that was a very brief time
 19 period. Right?
 20 A. **Perhaps.**
 21 Q. And it was well before any of the
 22 emergency responders arrived at the scene?
 23 A. **Yes.**
 24 Q. And you never lost consciousness;
 25 correct?

1 A. **Correct. I did not.**
 2 Q. Now, I want to take a look and point
 3 something out to you. And it's Exhibit -- I
 4 believe it's Exhibit 208 on Bates stamp 1943.
 5 If we can blow that paragraph up.
 6 Can you see the paragraph entitled
 7 "History of Present Illnesses"?
 8 A. **I can if I get closer.**
 9 Q. Okay. What we're going to do is blow up
 10 the portion that says, but did lose consciousness
 11 while in the sweat lodge. Ms. Do is going to blow
 12 that up for us.
 13 Now can you see it?
 14 A. **Yes.**
 15 Q. And Exhibit 208, or 208, are your medical
 16 records; correct?
 17 A. **Yes.**
 18 Q. And that's not correct; true?
 19 A. **That is true.**
 20 Q. And also on the medical records it says
 21 right above the history of present illnesses that
 22 you were disoriented on the scene.
 23 Go right above that paragraph. The line
 24 right above that paragraph.
 25 You see where it says, disoriented on the

1 scene?

2 **A. Yes.**

3 **Q.** If an EMS provider had recorded that
4 observation after their arrival, then that also
5 would not be correct. Fair statement?

6 **A. Unless they thought I was disoriented. I**
7 **mean, that's their opinion.**

8 **Q.** Well, first of all, you never lost
9 consciousness; correct?

10 **A. That is correct.**

11 **Q.** So we've established that this medical
12 record is not correct in that regard; true?

13 **A. True.**

14 **Q.** My point is this, Ms. Rainey: You would
15 agree with me that when your opinions are based on
16 secondhand information or hearsay, it may be
17 incorrect. True?

18 **A. Secondhand information from -- meaning?**

19 **Q.** From another person.

20 **A. But from who in this instance?**

21 **Q.** Well, Dr. Crowder, from an EMS provider,
22 apparently.

23 **A. Okay.**

24 **Q.** It doesn't appear to be correct. I'm
25 talking about a very simple proposition in life.

1 And that is if you were going to base your
2 knowledge on what someone else tells you, then that
3 is not your personal knowledge; correct?

4 **A. Okay.**

5 **Q.** That's true; right?

6 **A. Yes.**

7 **Q.** And it may not be accurate because it is
8 dependent upon the observations of someone else;
9 correct?

10 **A. Yes.**

11 **Q.** In this case we established, as an
12 example, that this doctor's report is not accurate
13 because you had never lost consciousness; correct?

14 **A. Correct. I did not lose consciousness.**

15 **Q.** Now, what you said two if not three times
16 during your direct testimony that -- and I forgot
17 the exact word. But you, essentially, had spoke to
18 other folks after the accident back in
19 October of 2009; correct?

20 **A. Other folks. Please explain.**

21 **Q.** Well, the response you made in response
22 to one of Ms. Polk's questions was that you didn't
23 have personal knowledge. It's something you had
24 learned later.

25 Do you recall that testimony?

1 **A. No. I don't. I'm not sure what you're**
2 **referencing.**

3 **Q.** Let me be more direct. On October --
4 between October 9 of 2009 through today, have you
5 spoke to anyone else about what happened during the
6 James Ray International Spiritual Warrior seminar?

7 **A. Yes.**

8 **Q.** Who have you spoke to?

9 **A. I've spoke to a lot of people just**
10 **because this is my life. And it's been a year and**
11 **a half. Yes. I've talked to a lot of people.**

12 **Q.** Who --

13 **A. You're wanting to know who I spoke to --**

14 **Q.** Let me rephrase my question. Who have
15 you spoke to who was also present at the seminar in
16 October of 2009?

17 **A. Okay. So you're wanting to know which**
18 **participants that I've spoken to?**

19 **Q.** Participants, Dream Team members, anyone
20 like that.

21 **A. A lot of them were my friends. I spoke**
22 **to a lot of them. I may lose some of them here.**
23 **But I talked to Julie Minn, Amy Grimes. I've spoke**
24 **to Kristina Bivins, Sean Ronan. We rode in the cab**
25 **together to the airport. Beverly Bunn. These are**

1 **all people that are part of my warrior group. So**
2 **it's a schedule thing that we talk.**

3 **Q.** I understand that. And here's the
4 purpose of asking you that question, Ms. Rainey:
5 During those conversations you learned information
6 from those other participants; correct?

7 **A. Correct.**

8 **Q.** And you would agree with me, just like
9 this exhibit, the doctor's report, that information
10 may or may not be correct?

11 **A. The information that they gave me?**

12 **Q.** Correct.

13 **A. I'm not sure about that. I mean, it's**
14 **their experience.**

15 **Q.** You had corrected Ms. Polk and said
16 during your testimony that you learned this
17 information afterwards. Were you referring to
18 these other conversations you had with other
19 participants after October of 2009?

20 **A. I think what I was referring when**
21 **Ms. Polk asked me the question was that I -- there**
22 **was a lot of people talking whenever the --**
23 **everybody had exited the sweat lodge. And there**
24 **were a lot of people talking then.**

25 **So, like, Mike Olesen would come up. And**

1 he would tell me, oh, my God. Sidney is not doing
2 well. Somebody else mentioned that Sean wasn't
3 doing well. I did get information from different
4 people.

5 Q. And that was on October 8, 2009; correct?

6 A. Yes.

7 Q. My question was after that day you also
8 had conversations with other participants; correct?

9 A. Yes, I did.

10 Q. And you would agree with me that you can
11 only testify in regards to your personal
12 observations; correct?

13 A. Correct.

14 Q. Because otherwise there is a potential
15 for something not being true, such as the doctor's
16 report; correct?

17 A. Yes.

18 Q. You would agree with me that Dr. Crowder
19 was attempting to be as accurate as possible;
20 correct?

21 A. Yes. That's his job.

22 Q. Right. He's a doctor. He's trying to be
23 accurate in terms of your assessment. And he was
24 just flat wrong because it was based on hearsay;
25 correct?

1 A. I guess that's where he got it. I don't
2 know.

3 Q. And my question was simply when you speak
4 to these people after October 8 of 2009, the
5 quality of your knowledge is dependent upon the
6 quality of their recollection as well; correct?

7 A. I think the quality of my knowledge is
8 based on the -- on what I actually saw.

9 Q. Well, one thing -- do you recall being
10 interviewed by Detective Parkison during October
11 of 2009?

12 A. I don't remember his name. So --

13 Q. I misspoke. It was October 26, 2009. Do
14 you recall being interviewed by Detective Johnson?

15 A. Detective Johnson. I do remember that
16 name.

17 Q. I misspoke. That was by telephone, I
18 take it; correct?

19 A. Yes.

20 Q. Let me hand you what's been marked for
21 purposes of identification as Exhibit 704.

22 May I approach, Judge?

23 THE COURT: Yes.

24 Q. BY MR. KELLY: Do you recall having a
25 conversation with Detective Johnson about the

1 reason you went to the hospital?

2 A. No.

3 Q. Do you recall telling him that they had
4 told you that it was carbon monoxide poisoning and
5 that was the reason that you went to the hospital?

6 A. Yep. That's what they said.

7 Q. And do you recall telling him that I
8 don't know that we all would have gone to the
9 hospital if they had not scared the shit out of us?

10 A. Correct.

11 Q. Do you recall telling the detective on
12 that day that this was not all handled properly?
13 It was a difficult --

14 MS. POLK: Your Honor, objection. Hearsay.

15 THE COURT: Overruled.

16 You may continue.

17 Q. BY MR. KELLY: Do you recall telling him
18 that it was not handled properly? All of that was
19 just a debacle? It reminded me of the Andy
20 Griffith show? And people were overreacting? It
21 almost felt like they were excited there was drama
22 for them to participate in?

23 Do you recall making that statement?

24 A. I do.

25 Q. And so I take it, in reading that

1 statement, that you believe many people were
2 overreacting back on October 8, 2009. Correct?

3 A. Overreacting in regards that they were
4 making accusations.

5 Q. And when you reference the Andy Griffith
6 Show, I don't know whether you're talking about
7 Barney Fife or Gomer or -- we all love that show.
8 But what were you referring to?

9 A. The first comment that someone made was
10 that they thought that we were trying to commit
11 suicide or group suicide. There were a lot of
12 comments like that made.

13 Q. That were exaggerations; correct?

14 A. Yes.

15 Q. Not true; correct?

16 A. Yeah.

17 Q. That it was a debacle?

18 A. Debacle.

19 Q. Debacle.

20 A. That's my interpretation.

21 Q. And what do you mean by a debacle?

22 A. It was chaos. The whole day was chaos.
23 All of this. There was so many people that were
24 injured or in need of help, that there was just so
25 much going on, that nobody seemed to be in charge,

1 **I guess. There wasn't a person that was directing**
2 **the whole emergency.**

3 **Q.** And you're talking about after the
4 arrival of the emergency responders; correct?

5 **A. Right. Yes. Were we supposed to be in**
6 **the kitchen? Were we supposed to be in our room?**
7 **Where are we supposed to be?**

8 **Q.** And you told the detective that, I mean
9 it felt like the cops -- not the cops -- the fire
10 people, wherever they are, were the ones that
11 convinced me that I needed to go to the hospital.
12 I probably wouldn't have gone, but they told me I
13 had carbon monoxide poisoning. They tested me.
14 They touched all these things. They said I have
15 classic signs of carbon monoxide poisoning.
16 Correct?

17 **A. That's what's written.**

18 **Q.** Well, the question is isn't that what you
19 told the detective on October 26, 2009?

20 **A. That's what I said. Yeah.**

21 **Q.** Yes? And I take it from that that you
22 would not have gone to the hospital if someone
23 would not have, quote, scared the shit out of you;
24 correct?

25 **A. I may not have. No. But I would have**

1 **gotten home and realized how injured I was and**
2 **taken care of it myself.**

3 **Q.** When you got home and realized how
4 injured you were, you sued James Ray; correct?

5 **A. Yes.**

6 **Q.** And you sued James Ray International;
7 correct?

8 **A. Yes.**

9 **Q.** Did you sue Angel Valley?

10 **A. Yes.**

11 **Q.** Amayra Hamilton, the owner of
12 Angel Valley?

13 **A. I'm not sure of who all the names were on**
14 **the --**

15 **Q.** Michael Hamilton, owner of Angel Valley?

16 **A. I don't have all the information.**

17 **Q.** So you sued James Ray and James Ray
18 International, but you also sued Angel Valley;
19 correct?

20 **A. Yes.**

21 **Q.** Is that because there is an allegation
22 that the construction of the sweat lodge caused the
23 injuries that you complained of?

24 **A. So you're asking me the reason why I**
25 **filed suit against Angel Valley was because of the**

1 **construction of the sweat lodge?**

2 **Q.** That's my question.

3 **A. That would be no.**

4 **Q.** Were you aware that the -- that
5 Angel Valley constructed the sweat lodge or
6 directed people to construct it on its behalf?

7 **A. The information I was given was that**
8 **James Ray had that sweat lodge constructed.**

9 **Q.** Are you aware that an individual by the
10 name of Ted Mercer was hired by Angel Valley to
11 construct the sweat lodge?

12 **A. No, I was not.**

13 MS. POLK: Objection. Misstates the evidence,
14 Your Honor.

15 THE COURT: Sustained.

16 **Q.** BY MR. KELLY: Were you aware that Ted
17 Mercer was employed -- he and his wife -- to build
18 the sweat lodge?

19 **A. No.**

20 **Q.** Were you aware that they were working for
21 Angel Valley?

22 **A. Yes.**

23 **Q.** Were you aware that it was Ted Mercer who
24 put the big rubber deal over the top of the sweat
25 lodge to seal you folks in with the membrane under

1 the sand?

2 **A. I was not told that it was him. That was**
3 **part of what James said had done -- had done for**
4 **the sweat lodge. He said that he had talked to**
5 **some person in Sedona, and he was a Native**
6 **American, and that he makes the hottest sweat**
7 **lodges, hotter than any Lakota.**

8 **Q.** If we had -- If this jury has heard the
9 actual words of James Ray, which were tape-recorded
10 and played to the jury, and it's the actual words
11 before you went into the sweat lodge, would you
12 agree with me that that is a more accurate
13 recollection as to what Mr. Ray said to you versus
14 your memory now 17 months later?

15 **A. I have no idea what you just asked.**

16 **Q.** There is an exhibit in this case. And
17 the exhibit is the conversation that you described,
18 which you listened to immediately before you went
19 into the sweat lodge.

20 Okay?

21 **A. Okay.**

22 **Q.** If that conversation was tape-recorded
23 and this jury heard it, would you agree with me
24 that that is a more accurate recollection of what
25 Mr. Ray said versus your memory a year later?

1 **A. A tape-recording of what he said would**
 2 **probably be more accurate than what I remember.**
 3 **Yes.**
 4 **Q.** So if he said, it's going to be hot, the
 5 hottest sweat lodge you will ever experience, that
 6 would be consistent with your memory; correct?
 7 **A. He said it was hot. He makes sweat**
 8 **lodges hotter than anybody else.**
 9 **Q.** If he said, if it gets too hot, and he
 10 provided the route in which a person was to leave
 11 the sweat lodge, do you recall him saying that?
 12 **A. I'm sorry. I cannot understand your**
 13 **language and patter. Can you please repeat that.**
 14 **Q.** You have a bachelor's degree?
 15 **A. Yes.**
 16 **Q.** And you own your own business; correct?
 17 **A. Yes.**
 18 **Q.** You're a successful film maker; correct?
 19 **A. Yes.**
 20 **Q.** You were present before you went into the
 21 sweat lodge during the presentation by Mr. Ray;
 22 correct?
 23 **A. Yes.**
 24 **Q.** And during that presentation he told each
 25 of you what to do if it was necessary to leave the

1 sweat lodge; correct?
 2 **A. To exit clockwise.**
 3 **Q.** He even asked which direction, and the
 4 crowd shouted out, clockwise; correct?
 5 **A. Yes.**
 6 **Q.** Now, if there is an actual tape-recording
 7 of that conversation, my question is it would be
 8 more accurate than your recollection; correct?
 9 **A. Yes.**
 10 **Q.** So you wouldn't have a problem with the
 11 jury relying on the actual tape-recording and
 12 making a determination as to what was said during
 13 that conversation; correct?
 14 **A. Correct. If they were provided with the**
 15 **whole piece, yes.**
 16 **I also know that things get taken out of**
 17 **context when you play a tiny bit. If they get the**
 18 **whole conversation, then yeah. I would say that**
 19 **that is accurate.**
 20 **Q.** So you have not been in this courtroom
 21 for the last three months during this jury trial;
 22 correct?
 23 **A. Correct.**
 24 **Q.** You haven't heard the evidence item that
 25 I'm referring to?

1 **A. Correct.**
 2 **Q.** But you're sitting there with suspicion
 3 that somehow this jury has been misdirected by the
 4 evidence in this case?
 5 **MS. POLK:** Objection, Your Honor.
 6 **THE COURT:** Overruled.
 7 **THE WITNESS:** I'm not saying that at all.
 8 **Q.** BY MR. KELLY: I thought you were kind of
 9 smiling and mocking it.
 10 **MS. POLK:** Objection, Your Honor.
 11 **THE COURT:** Sustained. Argumentative.
 12 **Q.** BY MR. KELLY: My question is, if there
 13 is an exhibit as to what Mr. Ray actually said,
 14 would you agree with me this jury should rely on
 15 the actual words versus your recollection a year
 16 and a half later?
 17 **A. Correct.**
 18 **Q.** Now, you told Ms. Polk that after the end
 19 of the sweat lodge ceremony the officials told us,
 20 the participants, to go back to the kitchen or the
 21 Crystal Hall, where they wanted the participants to
 22 make statements; correct?
 23 **A. I'm sorry. Say it again.**
 24 **Q.** Okay. Stay with me. After the sweat
 25 lodge you go back to your room; correct?

1 **A. Yes.**
 2 **Q.** You testified that someone said, go down
 3 to the kitchen, you called it, because they want to
 4 take your statement?
 5 **A. Right.**
 6 **Q.** And you said that they told you to be
 7 patient because there were a lot of people in
 8 there; correct?
 9 **A. Yes.**
 10 **Q.** And you were describing the conversations
 11 that you heard from all of these officials during
 12 your direct examination this morning; correct?
 13 **A. Yes.**
 14 **Q.** And those officials that you're referring
 15 to are not only detectives from the Yavapai County
 16 Sheriff's Office but also fire personnel; correct?
 17 **A. I guess. I don't really know what their**
 18 **positions were.**
 19 **Q.** You didn't see their uniforms that say,
 20 Verde Valley Fire Department, on it?
 21 **A. I don't inspect people's clothing.**
 22 **Q.** You don't have any reason to dispute
 23 there were fire personnel?
 24 **A. There could have been fire people there.**
 25 **Yes.**

1 Q. You told us in detail about what happened
2 to your friend Amy and how the ambulance broke down
3 and how you had to assist her. I thought perhaps
4 you would also be able to notice who was treating
5 her. You have no recollection of that?

6 A. **I have a recollection that it was a**
7 **fireman that helped Amy. You asked me about the**
8 **Crystal Hall, which is different.**

9 Q. And you don't recall any firemen in
10 there?

11 A. **Not specifically. No.**

12 Q. Do you recall during that time period
13 when all those people were gathered in the Crystal
14 Hall and these officials were speaking, someone
15 saying something to the effect we think it's
16 organophosphate poisoning?

17 MS. POLK: Objection. Misstates the evidence,
18 Your Honor.

19 MR. KELLY: It's a question, Judge.

20 THE COURT: It is a question.

21 Ms. Rainey, if you understand the
22 question and you can answer it, you may do so. If
23 you can't, you can tell the attorney you can't
24 answer the question.

25 THE WITNESS: I don't know what that is.

1 Q. BY MR. KELLY: Okay. My question is more
2 simple than that. When you were in this hall and
3 there were officials and they were telling you be
4 patient; we're going to take your statements, did
5 you hear anyone say we think it's organophosphate
6 poisoning?

7 A. **I have no recollection of that.**

8 Q. I guess I didn't understand. If you've
9 sued Angel Valley and it was not over the
10 construction of the sweat lodge, why would you sue
11 them?

12 A. **Because if they knew that this has**
13 **happened in the past and they didn't prepare by**
14 **providing some sort of EMS, I hold them accountable**
15 **as well.**

16 Q. We saw Exhibit 206. This is the waiver
17 release of liability you signed on the first day of
18 the Spiritual Warrior seminar; correct?

19 A. **Yes.**

20 Q. Ms. Do is blowing it up so it's easier to
21 read. But the waiver that you signed indicates
22 that there is going to be a Vision Quest; correct?

23 A. **Yes.**

24 Q. And doesn't it say, a multiday, solitary,
25 personal and spiritual quest in the wilderness

1 without food or water?

2 A. **Yes.**

3 Q. You run an international water company;
4 correct?

5 A. **Uh-huh.**

6 Q. You have to say yes for this lady.

7 A. **Yes.**

8 Q. And you understand the importance of
9 putting things in writing; correct?

10 A. **Yes.**

11 Q. And you went on the Vision Quest;
12 correct?

13 A. **I did.**

14 Q. And it was a multiday, solitary, personal
15 and spiritual quest in the wilderness without food
16 and water; correct?

17 A. **Yes.**

18 Q. Now, I received -- I got the impression
19 that there is some implication that your injuries
20 were perhaps caused by the fact that you didn't
21 have enough food and water immediately the day
22 before the sweat lodge.

23 Was I wrong in my impression?

24 A. **I think you're wrong in your impression.**

25 Q. So let's state it differently. The fact

1 you went on the Vision Quest had nothing to do with
2 the injuries you received in the sweat lodge. Fair
3 statement?

4 A. **I don't think that's true either. I**
5 **think everything kind of played a part in it.**

6 Q. So let's talk about what you think, then.
7 Are you saying the fact that you didn't have any
8 food during the Vision Quest contributed to your
9 injuries in the sweat lodge?

10 A. **To being dehydrated, yes.**

11 Q. The next question was going to be the
12 water. The fact that you didn't have water in the
13 Vision Quest you believe contributed to your
14 injuries in the sweat lodge?

15 A. **I think it could have contributed. Yes.**

16 Q. Now, do you recall the very first
17 meeting, the very first sentence out of Mr. Ray's
18 mouth on the very first day was to hydrate,
19 hydrate, hydrate?

20 A. **You're asking me if I remember that**
21 **statement? I remember that statement.**

22 Q. And then he issued some backpacks with
23 little water bottles, and there was always water in
24 the facilities anytime someone wanted to drink
25 water; correct?

1 **A. Yes.**

2 **Q.** And Exhibit 206 indicates that during the
3 multiday Vision Quest you're going to be without
4 food and water; correct?

5 **A. Yes.**

6 **Q.** And you're a bright lady; correct?

7 **A. Yes.**

8 **Q.** I took it from you're testimony that
9 you're pretty strong willed and independent.
10 Correct?

11 **A. I guess some people could interpret it**
12 **that way.**

13 **Q.** Well, you actually told us that during
14 the Samurai Game, for example, you were
15 disappointed because you didn't get one of the
16 three leadership roles?

17 **A. Right.**

18 **Q.** And that's because that's part of your
19 personality is to try as hard as you can to do as
20 well as you can in every circumstance; correct?

21 **A. Yes.**

22 **Q.** You're not easily swayed by anyone;
23 correct?

24 **A. No.**

25 **Q.** And doesn't Exhibit 206 say five

1 sentences down, there is no requirement whatsoever
2 that I participate in the activity?

3 **A. It says that.**

4 **Q.** You understood that; correct?

5 **A. Yes.**

6 **Q.** Did you see the two ladies that left
7 during the Spiritual Warrior seminar?

8 **A. No, I did not.**

9 **Q.** Did you see the lady, Elsa, who after
10 listening to Mr. Ray's presweat lodge presentation
11 left and didn't go in the sweat lodge?

12 **A. Yes.**

13 **Q.** And here in writing on a document you
14 signed, you would agree with me that it says, there
15 is no requirement whatsoever that I participate in
16 activities; correct?

17 **A. I see that written.**

18 **Q.** It also says in Exhibit 206 that --
19 provides notice of a sweat lodge ceremony, a
20 ceremonial sauna involving tight, enclosed spaces
21 and intense temperatures; correct?

22 **A. It says that. Yes.**

23 **Q.** And you, ma'am, signed this document
24 before you began this seminar; correct?

25 **A. Yes.**

1 **Q.** You had the opportunity to read it;
2 correct?

3 **A. Yes.**

4 **Q.** You told the prosecutor that you skimmed
5 it; correct?

6 **A. Yes.**

7 **Q.** I think you told Detective Parkison --
8 excuse me -- Johnson, on October 26 that you had
9 some knowledge that a sweat lodge was going to take
10 place. Correct?

11 **A. Yes.**

12 **Q.** So here it is in writing, and it says
13 exactly what happened; correct?

14 **A. Yes.**

15 **Q.** It was tight; correct?

16 **A. Yes.**

17 **Q.** It was enclosed; correct?

18 **A. Yes.**

19 **Q.** And there were intense temperatures;
20 correct?

21 **A. Yes.**

22 **Q.** I asked you about the food and the water.
23 And you believe that -- that you didn't hydrate
24 well enough and that had some impact on your
25 physical condition during the sweat lodge ceremony?

1 **A. I think it had some impact. Yes.**

2 **Q.** You're not a medical doctor?

3 **A. Correct.**

4 **Q.** And your -- like you said, you own this
5 water company. What is it? Kangen? Did I
6 pronounce that correct?

7 **A. Kangen.**

8 **Q.** K-a-n-g-e-n?

9 **A. Uh-huh.**

10 **Q.** And I looked you up on the internet. And
11 it says, my goal in life is to make sure there are
12 no more plastic water bottle containers?

13 **A. True.**

14 **Q.** Like the one on the witness stand;
15 correct?

16 **A. Correct.**

17 **Q.** And this device purifies water in homes
18 worldwide; correct?

19 **A. Yes.**

20 **Q.** And, again, you understand the importance
21 of documentation if you're in a business, such as
22 James Ray International or your water company;
23 correct?

24 **A. Yes.**

25 **Q.** And speaking of water, again, the

1 implication I get is that because of the lack of
2 food and water during the Vision Quest, that
3 somehow affected your physiology during the sweat
4 lodge.

5 **A. I didn't hear that as a question. Can**
6 **you ask it again.**

7 **Q.** Do you believe the lack of food affected
8 the physiological response of your body during the
9 sweat lodge ceremony?

10 **A. I think it's possible that it did.**

11 **Q.** Do you believe the lack of water during
12 the Vision Quest exercise affected your
13 physiological response in the sweat lodge?

14 **A. Yes.**

15 **Q.** Okay. Now, were you aware that Liz
16 Neuman was a Dream Team member?

17 **A. Yes.**

18 **Q.** And were you aware that Liz Neuman did
19 not undergo the Vision Quest?

20 **A. Yes.**

21 **Q.** Were you aware that Liz Neuman was free
22 to drink water throughout the course of the
23 seminar?

24 **A. Sure.**

25 **Q.** Were you aware that Liz Neuman, since she

1 was not on the Vision Quest, was free to eat during
2 the time period that you were on the Vision Quest?

3 **A. Sure. I would assume that.**

4 **Q.** You understand that throughout the course
5 of this seminar, you, as an educated, professional
6 woman, were free at any time to exercise free
7 choice in any regard; correct?

8 **A. Yes.**

9 **Q.** You could stay up late at night and
10 journal if you wanted to; correct?

11 **A. Yes.**

12 **Q.** Or if you wanted to, you could go to bed;
13 correct?

14 **A. Yes.**

15 **Q.** You could get up in the morning and
16 participate in yoga; correct?

17 **A. Yes.**

18 **Q.** Or if you wanted to, you could skip that
19 exercise?

20 **A. You would be ridiculed. But yes. You**
21 **would have been talked to. But yes.**

22 **Q.** Well, are you saying that you're not
23 strong enough to take the ridicule of other
24 participants if you didn't show up?

25 **A. I'm not saying that at all.**

1 **Q.** So you were free not to show up; correct?

2 **A. Yes.**

3 **Q.** During the Vision Quest, to my
4 understanding, in addition to not having any food
5 or water, you did not have a light. Correct?

6 **A. Correct.**

7 **Q.** And this is October of 2009 in Central
8 Arizona. So, of course, it gets dark at night;
9 correct?

10 **A. Yes.**

11 **Q.** So you told the prosecutor you only slept
12 between one and two hours a night. If it's dark
13 outside, are you just sitting there?

14 **A. Yes.**

15 **Q.** On your sleeping bag?

16 **A. Yes.**

17 **Q.** And you told us on direct that the reason
18 that you stayed up late at night, that you got up
19 early to do yoga and you deprived yourself -- you
20 made the decision to deprive yourself of sleep was
21 that you wanted to get your money's worth; correct?

22 **A. Yes.**

23 **Q.** You would agree with me that at that
24 session put on by Mr. Ray shortly before the sweat
25 lodge that he told you to hydrate, told all of you

1 to hydrate, hydrate, hydrate; correct?

2 **A. He told us, I hope you're drinking your**
3 **water.**

4 **Q.** Well, again, if the exhibit is actually
5 recording the words of Mr. Ray, you have no reason
6 to dispute that; correct?

7 **A. Correct.**

8 **Q.** And at that Crystal Hall during that
9 ceremony there was water available; correct?

10 **A. Just outside. Yes.**

11 **Q.** In those big orange coolers; correct?

12 **A. Outside the sweat lodge.**

13 **Q.** Outside the Crystal Hall?

14 **A. I didn't see any orange coolers.**

15 **Q.** You had your bottle; correct?

16 **A. There was a well --**

17 **Q.** You told the detective that you had
18 five -- I think you said you had 5.7 liters of
19 water that day.

20 **A. No. I said I had four liters of water.**
21 **I typically drink 5.7 liters a day.**

22 **Q.** Thank you. You had four liters of water.
23 And hold up a liter so we can see.

24 You had four of those between the time
25 that you came back from the Vision Quest and went

1 into the sweat lodge; correct?

2 **A. Yes.**

3 **Q.** And your goal is 5.7 liters a day;
4 correct?

5 **A. Yes.**

6 **Q.** Ms. Rainey, I'm going to put up on the
7 overhead Exhibit 1045.

8 And I believe you told us on direct that
9 there was a lady in the photograph that you
10 recognized?

11 **A. Yes.**

12 **Q.** And why did you recognize her in the
13 photograph?

14 **A. Because I have seen her before.**

15 **Q.** Well, what about her medical condition
16 that you described on direct?

17 **A. She seemed to be having a seizure.**

18 **Q.** Seizure; right? And would you point out
19 the lady that you believe had seizures.

20 And if I told you that that lady's name
21 is Tess Wong, would that refresh your recollection?

22 **A. Yes.**

23 **Q.** And she had these seizures after she
24 participated in the sweat lodge; correct?

25 **A. Yes.**

1 **Q.** You knew throughout the course of this
2 sweat lodge ceremony that you could leave anytime;
3 correct?

4 **A. Yes.**

5 **Q.** In fact, you told that to the detective,
6 that you understood that you were in control of
7 your own actions; correct?

8 **A. Yes.**

9 **Q.** That some people left in the first round.
10 And they were, like, screw this. You know, it's
11 hot in here. It's claustrophobic, and they're
12 getting out. Correct?

13 **A. They did. Yes.**

14 **Q.** And I believe you told us on direct that
15 Josh was sitting right next to you. Correct?

16 **A. Yes.**

17 **Q.** And he was a James Ray International
18 employee of some type?

19 **A. Yes.**

20 **Q.** And he was encouraging you to stay?

21 **A. Yes.**

22 **Q.** He was talking to you saying things like,
23 you can do it. Relax. Because you told us that
24 your initial response was more of fear than
25 anything else; correct?

1 **A. Yes.**

2 **Q.** And he was trying to help you through
3 that fear?

4 **A. Yes.**

5 **Q.** During that time period you didn't have
6 any conversation with Mr. Ray; correct?

7 **A. In the sweat lodge?**

8 **Q.** Correct.

9 **A. No.**

10 **Q.** You didn't look over and say Mr. Ray,
11 this is really intensely hot? What should I do?
12 Correct?

13 **A. I personally did not have that
14 conversation.**

15 **Q.** That's my point is your conversation was
16 with Josh Fredrickson; correct?

17 **A. Yes.**

18 **Q.** Not with James Ray; correct?

19 **A. Correct.**

20 **Q.** And at no time during the five rounds
21 that you were in the sweat lodge did you have a
22 conversation with James Ray until you were leaving;
23 correct?

24 **A. Correct.**

25 **Q.** So when you described to the jury your

1 observations while in the sweat lodge, you didn't
2 convey those same observations that you described
3 today to Mr. Ray; correct?

4 **A. Which observations?**

5 **Q.** All the observations about what happened
6 to you while you were inside that sweat lodge.

7 **A. Correct.**

8 **Q.** You didn't say it's getting too hot;
9 correct?

10 **A. No, I didn't.**

11 **Q.** You didn't say that -- I think you told
12 us in the first round you believed it was smoke and
13 it was heating up the inside of your airway causing
14 discomfort. Correct?

15 **A. I said that.**

16 **Q.** But you didn't tell Mr. Ray that;
17 correct?

18 **A. Correct.**

19 **Q.** You didn't tell Mr. Ray when he put the
20 water on the fire that it was getting hot and
21 burning your skin?

22 **A. I did not tell him that.**

23 **Q.** The person you were conversing with was
24 Josh Fredrickson; correct?

25 **A. Yes.**

1 Q. Now, you did tell us that -- and I just
 2 want to make it clear. You decided to stay through
 3 the fifth round because that was the heart round;
 4 correct?
 5 A. Yes.
 6 Q. And that was a personal goal that you
 7 wanted to achieve?
 8 A. It was. Yes.
 9 Q. And you achieved it?
 10 A. I did.
 11 Q. Again, you didn't communicate that to
 12 Mr. Ray; correct?
 13 A. No.
 14 Q. It wasn't any of his business. That was
 15 your goal; correct?
 16 A. Yes.
 17 Q. And you made up your mind as a strong,
 18 independent, professional woman that you were going
 19 to stay in there for five rounds, through the heart
 20 round; correct?
 21 A. Correct.
 22 Q. Meanwhile, you saw many people leave?
 23 A. Yes.
 24 Q. In rounds 1 through 5; correct?
 25 A. I saw some.

1 Q. And you saw people leave in rounds 5
 2 through 8; correct?
 3 A. Yes. From the outside.
 4 Q. You saw some people leave and then come
 5 back in; correct?
 6 A. Yes.
 7 Q. Again, during the times that people were
 8 leaving, there was no conversation from Mr. Ray;
 9 correct?
 10 A. Say that again.
 11 Q. That was a poor question. When someone
 12 said in the first round, I'm going to leave, they
 13 left; correct?
 14 A. Yes.
 15 Q. It's not your testimony that you heard
 16 any conversation between Mr. Ray and that person
 17 when they were leaving; correct?
 18 A. Correct.
 19 Q. When a person decided to come back in,
 20 same thing; correct?
 21 A. Correct.
 22 Q. Now, when they -- when you left, as well
 23 as many of these other people, the crowd would
 24 chant out hi ya ya; correct?
 25 A. Yes.

1 Q. And that means something to the effect, I
 2 honor you; correct?
 3 A. Yes.
 4 Q. In other words, it was providing
 5 accolades to the participants like you that had
 6 made it through five rounds; correct?
 7 A. Yes.
 8 Q. It wasn't something, as you said earlier,
 9 about ridiculing someone. It was the opposite;
 10 correct?
 11 A. Correct.
 12 Q. Then in the fifth round you actually told
 13 Josh that you're ready to go, so both he and
 14 Theresa helped you get up; correct?
 15 A. Uh-huh.
 16 Q. Is that right?
 17 A. Yes.
 18 Q. You have to say yes for this lady.
 19 And I'm going to ask you. Did you
 20 understand that that was the role of a Dream Team
 21 member, to help the participants?
 22 A. I thought that was their role. Yes.
 23 Q. And were you aware that there was a Dream
 24 Team member in each of the cardinal directions --
 25 north, east and west, I believe?

1 A. Yep.
 2 Q. And then next to Mr. Ray by the door
 3 there was some other James Ray International
 4 employees, like Megan?
 5 A. Yes.
 6 Q. Josh was helping you overcome your fear
 7 in the first round; correct?
 8 A. Yes.
 9 Q. And then he actually helped you when you
 10 needed to leave in the fifth round; correct?
 11 A. Yes.
 12 Q. And he was a Dream Team member; correct?
 13 A. I'm not sure if he was considered a Dream
 14 Teamer. He's an employee of James Ray
 15 International.
 16 Q. And he clearly helped you in both of
 17 those instances I described; right?
 18 A. Yes.
 19 Q. When you got out of the sweat lodge,
 20 there were Dream Team members there to help you;
 21 correct?
 22 A. Yes.
 23 Q. You told Ms. Polk that you felt safe
 24 before you went in; correct?
 25 A. Yes.

- 1 Q. Have you ever bungee jumped?
 2 A. No.
 3 Q. Skydived?
 4 A. No.
 5 Q. Climbed a mountain?
 6 A. Yes.
 7 Q. And are there times in which you've
 8 mountain climbed that you didn't feel safe?
 9 A. **Maybe. Yeah.**
 10 Q. And you did it anyway; correct?
 11 A. **Maybe until I got scared. I don't know.**
 12 Q. That's what I'm asking. I wasn't with
 13 you. So as you're climbing a mountain and if
 14 you're rock climbing, you have to overcome your
 15 fear to obtain an objective?
 16 A. **I don't rock climb.**
 17 Q. Mountain climb. Same thing. Did you
 18 have to overcome fear to accomplish a goal you had
 19 set in your mind?
 20 A. **Sure.**
 21 Q. And when you're overcoming that fear, you
 22 can see or hear, even maybe smell or taste, the
 23 tangible fear of something like mountain climbing
 24 or bungee jumping or sky diving?
 25 A. **I didn't hear the question.**

- 1 Q. In this particular case with a sweat
 2 lodge, you didn't have -- before you went in you
 3 felt safe; correct?
 4 A. **Yes.**
 5 Q. There was no fear like you described with
 6 mountain climbing; correct?
 7 A. **There was apprehension.**
 8 Q. Okay. And is that because Mr. Ray had
 9 told you that it was going to be hot, hotter, the
 10 hottest sweat lodge you had ever experienced,
 11 something to that effect?
 12 A. **Yes.**
 13 Q. And he had warned you it was going to be
 14 hot; correct?
 15 A. **He did.**
 16 Q. He warned you to take off your jewelry?
 17 A. **Yes.**
 18 Q. He warned people to go to the bathroom
 19 before they went in; correct?
 20 A. **Yes, he did.**
 21 Q. He warned you to hydrate? We talked
 22 about that; correct?
 23 A. **Yes.**
 24 Q. He warned you it was going to be a low
 25 ceiling; correct?

- 1 A. **Yes.**
 2 Q. He warned you that it was going to be a
 3 tight, enclosed, dark, claustrophobic space;
 4 correct?
 5 A. **Yes. I don't know that he used**
 6 **"claustrophobic."**
 7 Q. Tight, enclosed space?
 8 A. **Yes.**
 9 Q. Which causes claustrophobia?
 10 A. **In some people.**
 11 Q. When you went in that sweat lodge, it was
 12 all those things; correct?
 13 A. **Yes.**
 14 Q. You told us that in the second or third
 15 round when the door was opened, in your position in
 16 the sweat lodge you couldn't feel any air; correct?
 17 A. **Correct.**
 18 Q. Apparently due to the construction of the
 19 sweat lodge, then, there was insufficient
 20 ventilation to allow air to circulate. Fair
 21 statement?
 22 A. **Sure.**
 23 Q. In other words, you would expect -- and
 24 I'm sure you've been in a hot room, and someone
 25 opens the door, the cold air rushes in. And your

- 1 mom says, close the door. You're letting all the
 2 cold air in. I'm sure you've had that happen.
 3 Correct?
 4 A. **Yes.**
 5 Q. And that didn't happen in this case;
 6 correct?
 7 A. **It did not happen. Yes.**
 8 Q. Right. So apparently there was some air
 9 ventilation problem? If you know.
 10 A. **I don't know.**
 11 Q. And, again, you didn't speak with Mr. Ray
 12 and say anything like we're not getting any cold
 13 air back here; is that correct?
 14 A. **It was stated in the sweat lodge that**
 15 **people weren't getting any air.**
 16 Q. Did you say it?
 17 A. **I personally did not say it.**
 18 Q. You mentioned that at one point during
 19 the ceremony a light came through; correct?
 20 A. **Yes.**
 21 Q. And then you did hear a response from
 22 Mr. Ray that it was sacrilegious; correct?
 23 A. **Yes.**
 24 Q. And that's because perhaps he mistakenly
 25 believed someone had a flashlight; correct?

1 **A. No. It was because they exited without**
 2 **doing the circle, the clockwise motion of leaving.**
 3 **That was the ceremony.**

4 **Q.** So you believe someone actually went out
 5 the back of the sweat lodge?

6 **A. Yes.**

7 **Q.** And you would agree with me that had that
 8 happened, that would be contrary to everything that
 9 Mr. Ray had taught you; correct?

10 **A. It was against the instructions.**

11 **Q.** Against the instructions because the
 12 instructions were to leave in a clockwise manner
 13 out the flap or the door; correct?

14 **A. Correct.**

15 **Q.** And your belief is apparently someone
 16 ignored Mr. Ray and said I'm out of here, picked up
 17 the flap and rolled out; correct?

18 **A. Yes.**

19 **Q.** And when that happened, of course, light
 20 comes in?

21 **A. Yes.**

22 **Q.** And that's when you believe you heard
 23 that response, it's sacrilegious to do that;
 24 correct?

25 **A. Yes.**

1 **Q.** And Lou Caci was the individual who fell
 2 in the hot rock pit; correct?

3 **A. Yes.**

4 **Q.** And you saw him -- you were already
 5 outside when he came outside with a burn on his
 6 hand?

7 **A. Yes.**

8 **Q.** You described it on direct that there was
 9 flesh hanging from him?

10 **A. Yes.**

11 **Q.** Are you sure about that?

12 **A. There was something hanging. Yes.**

13 **Q.** We talked about these conversations
 14 you've had with other people like Beverly Bunn and
 15 some other participants; correct?

16 **A. Yes.**

17 **Q.** And my question is now, ignoring all
 18 those things that you may have heard or read,
 19 thinking back to what you actually observed, is it
 20 your testimony that Mr. Caci had flesh hanging from
 21 his --

22 **A. There was something dangling from his**
 23 **arm.**

24 **Q.** Okay. Something maybe not flesh?

25 **A. It looked like flesh.**

1 **Q.** So if we had in evidence Mr. Caci's
 2 actual medical records for this jury to see, would
 3 you agree with me that that's a better indication
 4 of the degree of his burn versus your description
 5 that you're not sure what was hanging off his arm?

6 **A. I would say yes, except that you just**
 7 **showed us where the doctor did not state it -- are**
 8 **you saying it's a picture or --**

9 **Q.** No. I'm just saying the medical
 10 records -- let me rephrase my question. If we had
 11 Lou Caci himself testify, and he said he had burns
 12 but there was no flesh hanging off my arm --

13 **MS. POLK:** Judge, objection. Misstates
 14 evidence.

15 **MR. KELLY:** No, it doesn't.

16 **THE COURT:** Again, what the lawyers -- what
 17 the attorney says is not evidence in any way. It's
 18 just a question.

19 And you may answer this question if you
 20 can, Ms. Rainey.

21 **Mr. Kelly,** go ahead.

22 **Q.** BY MR. KELLY: If Lou Caci came in front
 23 of this jury and testified, do you think this jury
 24 can rely on his testimony as to the nature of his
 25 injuries?

1 **A. I don't know. He was disoriented.**

2 **Q.** And if this jury has medical reports in
 3 evidence describing the nature of Lou Caci's
 4 injury, which are consistent with his testimony, do
 5 you think they can rely on his medical reports?

6 **A. Maybe.**

7 **Q.** And you're not sure exactly what was
 8 hanging off his arm; correct?

9 **A. It looked like flesh.**

10 **Q.** It sounds better anyway, doesn't it?
 11 Flesh hanging from it; correct?

12 **A. That's what it looked like.**

13 **Q.** Little more sensational; correct?

14 **MS. POLK:** Objection.

15 **THE COURT:** Sustained. It's argumentative.

16 **Q.** BY MR. KELLY: Pretty sensational to say
 17 that someone comes out of a sweat lodge with flesh
 18 hanging off their arm. Fair statement?

19 **MS. POLK:** Same objection, Judge.

20 **THE COURT:** Overruled.

21 You may answer that, Ms. Rainey.

22 **THE WITNESS:** Your motion was that it was
 23 hanging. I never said that.

24 **Q.** BY MR. KELLY: Okay. And then, of
 25 course, Mr. Caci went back in; correct?

1 **A. Yes.**
 2 **Q.** You told us about Dennis Mehravar. And
 3 he was screaming, I'm going to die. I'm going to
 4 die, or something like that; correct?
 5 **A. Yes.**
 6 **Q.** And Mr. Ray's response was, buddy, you
 7 need to pull it together; correct?
 8 **A. Yes.**
 9 **Q.** And after Mr. Ray said that,
 10 Mr. Mehravar, in fact, calmed down; correct?
 11 **A. Some.**
 12 **Q.** And when he said that, I guess my
 13 question, when Mr. Ray made the statement, buddy,
 14 you need to pull it together, was the flap closed?
 15 **A. I don't have -- I don't have a**
 16 **recollection if the door flap was closed. It was**
 17 **stated from inside of the tent.**
 18 **Q.** Ms. Polk asked you a question about
 19 whether or not you were upset. Do you recall that
 20 question and answer?
 21 **A. Not precisely.**
 22 **Q.** She asked you when you came out of the
 23 sweat lodge and saw these folks, whether or not you
 24 were upset. And you said, yes.
 25 Do you recall that testimony?

1 **A. Saw what folks?**
 2 **Q.** Participants.
 3 **A. When I saw -- so when I came out of the**
 4 **sweat lodge and I saw the participants, I was**
 5 **upset?**
 6 **Q.** Right. Do you recall your testimony
 7 before lunch in that regard?
 8 **A. Yeah. I didn't say that.**
 9 **Q.** What did you say? Why were you upset?
 10 **A. It seems really out of context. I'm not**
 11 **really sure what we were speaking of earlier.**
 12 **Q.** Were you upset afterwards?
 13 **A. I was upset whenever I initially came out**
 14 **of the sweat lodge. But it was because I was**
 15 **thinking about that there were all these people**
 16 **that were still in the sweat lodge and that I**
 17 **hadn't completed it.**
 18 **Q.** So you were upset because you didn't go
 19 as far as these -- in terms of the sweat lodge
 20 ceremony, as the number of rounds that they were
 21 able to complete?
 22 **A. Correct.**
 23 **Q.** Anything else that upset you?
 24 **A. I believe that's all I was talking about.**
 25 **Q.** Were you upset later that day after the

1 conclusion of the sweat lodge ceremony?
 2 **A. Yes.**
 3 **Q.** Why were you upset then?
 4 **A. Because my friends died.**
 5 **Q.** Do you recall telling Detective Johnson
 6 on October 26, I remember being extremely upset?
 7 We didn't get to, like, the whole thing?
 8 Afterwards we were supposed to have a celebratory
 9 dinner?
 10 **A. Oh. Yeah. I was upset about that too.**
 11 **Q.** So you were upset because didn't get your
 12 dinner afterwards like you were supposed to;
 13 correct?
 14 **A. We didn't get any closure. It was just**
 15 **more like all this stuff happens, and we had no**
 16 **closure. We had ni idea what was happening.**
 17 **Q.** That is what you told the detective on
 18 October 26. You didn't get your celebration and
 19 the dinner afterwards, and you were upset; correct?
 20 **A. I'm not sure if that's exactly what it**
 21 **states. If you want to read it.**
 22 THE COURT: Mr. Kelly, I do want to take two
 23 briefer recesses instead of one long one.
 24 So, ladies and gentlemen, remember the
 25 admonition. Please be back in 15 minutes. We can

1 start right at 3:00, if we can do that.
 2 Ms. Rainey, of course, remember that rule
 3 I talked to you about.
 4 (Recess.)
 5 THE COURT: The record will show the presence
 6 of Mr. Ray, the attorneys, the jury, and the
 7 witness, Ms. Rainey.
 8 Mr. Kelly.
 9 MR. KELLY: Thank you, Judge.
 10 **Q.** Ms. Rainey, I wanted to cover some of
 11 your direct as it relates to the observations that
 12 you observed in regards to Tess Wong's physical
 13 condition. And I believe what you told us was that
 14 after the ceremony her face was in the dirt.
 15 Correct?
 16 **A. I didn't say her face was in the dirt.**
 17 **She was turned over face down.**
 18 **Q.** Turned over face down. And where was she
 19 located in relation to the sweat lodge itself?
 20 **A. She was outside on a tarp.**
 21 **Q.** And you said she was -- you used the word
 22 "snorting," had difficulty breathing; correct?
 23 **A. Yes.**
 24 **Q.** You told us a moment ago that you
 25 believed what you saw were seizures; correct?

- 1 **A. Yes.**
 2 **Q.** And then you mentioned that her eyes were
 3 rolled back in her head; correct?
 4 **A. Yes.**
 5 **Q.** And also that you saw foaming coming from
 6 the mouth, foam coming from the mouth; correct?
 7 **A. Yes.**
 8 **Q.** And, of course, those were alarming signs
 9 and symptoms; correct?
 10 **A. Yes.**
 11 **Q.** Did you happen to notice or did you ever
 12 know a lady by the name of Dr. Jeanne Armstrong?
 13 **A. Yes. She was my tent mate.**
 14 **Q.** Did you see Dr. Armstrong when she left
 15 the tent at the conclusion of the ceremony?
 16 **A. Yes.**
 17 **Q.** And did you see Dr. Armstrong leave the
 18 tent in what we'll call the "Rocky pose," with her
 19 arms up, kind of a victorious, leaving, I-made-it
 20 type gesture?
 21 **A. I don't have a recollection of that.**
 22 **It's possible.**
 23 **Q.** If she testified to that, you would have
 24 no reason to dispute it; correct?
 25 **A. Correct.**

- 1 **Q.** So here we have these two -- a stark
 2 contrast in the physical condition between these
 3 two women -- one in the Rocky pose and then Tess
 4 Wong foaming at the mouth with seizures; correct?
 5 **A. Yes.**
 6 **Q.** Then also after the sweat lodge ceremony
 7 had ended, you did see Mr. Ray back in the area
 8 where Kirby and James were located; correct?
 9 **A. I did see him there. Yes.**
 10 **Q.** Did you see Dr. Armstrong back in that
 11 area as well?
 12 **A. Yes, I did.**
 13 **Q.** Did you happen to hear a conversation
 14 between Dr. Armstrong and Mr. Ray?
 15 **A. No, I did not.**
 16 **Q.** If there was a conversation, again, you
 17 would have no reason to dispute the content of that
 18 conversation; correct?
 19 **A. No. I might have reason to dispute it.**
 20 **Q.** If Dr. Armstrong testified that she asked
 21 for assistance from Mr. Ray in locating an AED, you
 22 would have reason to dispute that?
 23 **A. I'm not sure that's what you asked.**
 24 **Q.** I'll ask that. Do you have reason to
 25 dispute that that happened?

- 1 **A. I don't think so.**
 2 **Q.** Pardon me?
 3 **A. I don't think so. I mean, she could have**
 4 **asked that. It's possible.**
 5 **Q.** You did understand or you do recollect
 6 that Kristina Bivins was asking for James; correct?
 7 **A. Yes.**
 8 **Q.** And you said that she was kicking in a
 9 tantrum and convulsing; correct?
 10 **A. I didn't say "convulsions."**
 11 **Q.** Kicking, tantrums and causing quite a
 12 commotion; correct?
 13 **A. Yes.**
 14 **Q.** Again, that's stark contrast in terms of
 15 a physiological response to Dr. Armstrong, who is
 16 actually helping people after the event; correct?
 17 **A. That is a difference. Correct.**
 18 **Q.** And when Kristina Bivins was screaming
 19 for James's name, he went over and said something
 20 to her, and she calmed down; correct?
 21 **A. It was after a Dream Team person came**
 22 **over and told James that she was calling her**
 23 **name -- or that she was calling for him.**
 24 **Q.** And so then at that point in time, he
 25 walked over and said something to her, and she

- 1 calmed down; correct?
 2 **A. She grabbed his leg as he was leaving.**
 3 **So I don't know if that's really calmed down. She**
 4 **wasn't kicking anymore. But she was grabbing his**
 5 **leg and still hollering.**
 6 **Q.** Do you remember telling this jury before
 7 lunch that Kristine calmed down?
 8 **A. Calmed down from kicking her legs up in**
 9 **the air and, like, catapulting off of people.**
 10 **Yeah.**
 11 **Q.** And that's after James went over and said
 12 something to her; correct?
 13 **A. Yes.**
 14 **Q.** You also told us that Mr. Ray after the
 15 ceremony was able to walk similar to Jean
 16 Armstrong; correct?
 17 **A. He walked out sweaty. Yes. That's it.**
 18 **Q.** And he was not in the condition of
 19 Kristina Bivins or Tess Wong; correct?
 20 **A. Correct.**
 21 **Q.** But all the people were in the same sweat
 22 lodge; correct?
 23 **A. They were all in the same sweat lodge.**
 24 **Q.** You've been to the media; is that
 25 correct?

- 1 **A. I was on 20/20.**
 2 **Q.** You were on 20/20. Anything else?
 3 **A. No.**
 4 **Q.** What was the approximate date of your
 5 appearance on 20/20?
 6 **A. My appearance on the actual show was,**
 7 **like, in June of last year, I believe. June or**
 8 **July.**
 9 **Q.** June of 2010?
 10 **A. Yes.**
 11 **Q.** And when were you interviewed?
 12 **A. Like, February.**
 13 **Q.** Other than that appearance on 20/20, did
 14 you appear elsewhere in the media, grant any
 15 interviews?
 16 **A. I didn't grant any interviews.**
 17 **Q.** Pardon me?
 18 **A. I did not grant any interviews.**
 19 **Q.** So this was the only interview you
 20 granted?
 21 **A. Yes.**
 22 **Q.** I want to take you back now to the time
 23 in which you've completed the fifth round. You've
 24 made it through the heart round. You asked Josh
 25 for help. And Josh helps you, and you start to

- 1 exit the sweat lodge.
 2 Do you recall your testimony in that
 3 regard?
 4 **A. Yes.**
 5 **Q.** And you told us that as you approached
 6 the location of Mr. Ray, which is right next to the
 7 door, he says, no; correct?
 8 **A. Uh-huh.**
 9 **Q.** Somebody says, can she leave? And you
 10 don't know who that someone is; correct?
 11 **A. No.**
 12 **Q.** And then your testimony on direct was you
 13 heard Mr. Ray say, no; correct?
 14 **A. That I heard him say, no?**
 15 **Q.** Yes.
 16 **A. Yes.**
 17 **Q.** And he wasn't speaking to you; correct?
 18 **A. Correct.**
 19 **Q.** He was speaking to someone else; correct?
 20 **A. Yes.**
 21 **Q.** And you told us on direct that at that
 22 point you realized the "no" was in response to some
 23 other conversation going on in the sweat lodge;
 24 correct?
 25 **A. Right.**

- 1 **Q.** And you described on direct that in or
 2 during the sweat lodge ceremony, most of the time
 3 you were in there, there was a lot of conversation
 4 going on; correct?
 5 **A. There were a lot of people shouting**
 6 **things. Yes.**
 7 **Q.** I think used words such as "screaming,"
 8 "crying," "talking," "yelling." Correct?
 9 **A. I don't know about talking.**
 10 **Q.** Conversing back and forth?
 11 **A. Yes.**
 12 **Q.** Like you and Josh were doing; correct?
 13 **A. I didn't really hear any of the smaller**
 14 **conversations like that. I just heard the people**
 15 **that were talking loudly so --**
 16 **Q.** I'm not asking you about what you heard.
 17 I'm trying to give the jury a visual depiction of
 18 what's going on in the sweat lodge. And it sounds
 19 rather chaotic. Fair statement?
 20 **A. Yes. It was somewhat chaotic.**
 21 **Q.** It was noisy?
 22 **A. Yes.**
 23 **Q.** Many different conversations going on of
 24 varying types. Fair statement?
 25 **A. Yes.**

- 1 **Q.** As an example, you were speaking with
 2 Josh. And that was a conversation between you and
 3 Josh; correct?
 4 **A. Yes.**
 5 **Q.** And others could have been talking to
 6 other people, as far as you know; correct?
 7 **A. It's possible.**
 8 **Q.** In addition to that you heard screaming;
 9 right?
 10 **A. Yes.**
 11 **Q.** And as you're leaving and you hear
 12 Mr. Ray say no, you realized that he's speaking to
 13 someone else; correct?
 14 **A. Yes.**
 15 **Q.** So for that brief moment in time, you
 16 thought Mr. Ray was speaking to you. But, in fact,
 17 he was not?
 18 **A. Correct.**
 19 **Q.** And you told us that it was unclear who
 20 he was talking to. There was lots of conversations
 21 going on; correct?
 22 **A. Yes.**
 23 **Q.** So it was easy for you to -- for that
 24 brief second in time until you made eye contact to
 25 make a mistake as to who James Ray was talking to;

1 correct?

2 **A. Say it again.**

3 **Q.** Until you were able to make eye
4 contact -- because I believe you said you heard the
5 word "no," and you looked at him with the look of
6 are-you-kidding-me look. I think that was your
7 testimony. Correct?

8 **A. Yes.**

9 **Q.** And my point is, until you made that eye
10 contact, you didn't realize that the "no" from
11 Mr. Ray was not directed towards you; correct?

12 **A. Correct.**

13 **Q.** So you could have easily mistaken that
14 had you not made that eye contact is my point,
15 possibly?

16 **A. It's possible.**

17 **Q.** And the reason is because there is a lot
18 of conversations going on, and it would be easy to
19 mistake what people were saying in response to
20 particular questions; correct?

21 **A. Again, I guess it's possible. Part of**
22 **the whole teaching the class is really that we**
23 **distinguish what's so.**

24 **Q.** It happened? It happened to you;
25 correct?

1 **A. Yes.**

2 **Q.** After the fifth round; correct?

3 **A. Yes.**

4 **Q.** Thank you, Ms. Rainey.
5 Thank you, Judge.

6 THE COURT: Thank you, counsel.

7 MR. KELLY: May I have a minute?

8 THE COURT: Yes.

9 MR. KELLY: May I ask one final question?

10 THE COURT: Yes.

11 **Q.** BY MR. KELLY: We just talked about the
12 conversation about what you believed. Mr. Ray
13 said, no, and you realized he was talking to
14 someone else? Just for the last five minutes;
15 correct?

16 **A. Yes.**

17 **Q.** Now, actually, I wrote this down. He
18 actually -- when you made that eye contact and gave
19 him the are-you-kidding-me look, he actually
20 confirmed that it was okay for you to leave;
21 correct?

22 **A. Yes.**

23 **Q.** Thank you.

24 Thank you, Judge.

25 THE COURT: Redirect, Ms. Polk?

1 MS. POLK: Yes. Thank you, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. POLK:

4 **Q.** Ms. Rainey, let me just start with that
5 last topic, the conversation that occurred as you
6 were leaving after the fifth round.

7 What was said before you heard Mr. Ray
8 say, no?

9 **A. You mean she can't leave?**

10 **Q.** And where were you when you heard that?

11 **A. I was close to the door.**

12 **Q.** And you made eye contact with Mr. Ray?

13 **A. I looked over at him. I don't know that**
14 **I made eye contact. I looked over to him.**

15 **Q.** And how did he -- what did he then say?

16 **A. I think he said, no, or, she can go. It**
17 **wasn't about me.**

18 **Q.** When he said, no. She can go, that was
19 not referring to you?

20 **A. That was -- I took it as he was saying**
21 **that I could go.**

22 **Q.** Was that after you had, in Mr. Kelly's
23 words, glared at him, glared at Mr. Ray?

24 **A. Yes.**

25 **Q.** Is it possible that after you made eye

1 contact with Mr. Ray, he changed?

2 MR. KELLY: Your Honor, objection to the
3 leading form of this question.

4 THE COURT: Sustained.

5 **Q.** BY MS. POLK: Let me see if I can ask
6 that a different way. What made you believe -- or
7 did you believe, first of all, that you were not
8 being allowed to leave by Mr. Ray?

9 **A. No.**

10 **Q.** Did you believe at some point that the
11 conversation pertained to your ability to get out?

12 **A. Initially I did.**

13 **Q.** And what made you believe that?

14 **A. There was just a -- I think we all kind**
15 **of felt like that we shouldn't leave or we couldn't**
16 **leave.**

17 MR. KELLY: Your Honor, I'm going to object to
18 the response and ask that it be stricken.

19 THE COURT: Sustained.

20 **Q.** BY MS. POLK: And you can only speak for
21 yourself. What made you feel that way?

22 **A. I didn't feel like I could -- in the back**
23 **of my mind I had that running that I didn't think**
24 **that I could just leave. And I also wasn't really**
25 **willing for him to say no to me that I couldn't.**

1 **So that's why I gave him the look of, like, you're**
2 **kidding me.**

3 **Q.** And after you gave him the look, then
4 what did Mr. Ray say?

5 **A. He said, no. It's not her. She can go.**
6 **She can go.**

7 **Q.** What was it you said in the back of your
8 mind you had it running that you couldn't leave?
9 Why was that?

10 **A. Because it was set up that we were**
11 **supposed to finish the exercise. It was about**
12 **getting through it and getting all the value there**
13 **was to be had from participating.**

14 **Q.** Who set it up that way? Who did you get
15 that from?

16 **A. James.**

17 **Q.** Do you recall anything specific that
18 Mr. Ray said that made you believe that?

19 **A. Nothing specific. It was a five-day**
20 **course. And so the whole course was kind of**
21 **leading up to that we were out to be more. And the**
22 **way to do that is to push past our thresholds.**

23 **Q.** You were asked some questions about what
24 you heard in the sweat lodge in terms of the
25 screaming, the crying, the yelling.

1 Did that occur throughout the sweat lodge
2 ceremony?

3 **A. Yes.**

4 **Q.** Were there times when it was quiet?

5 **A. Not total silence. No. There was**
6 **chanting at some points. There were songs that we**
7 **were singing. So there was group activities that**
8 **would kind of focus but -- and those would die**
9 **down. But you would still hear noises even when**
10 **those were complete.**

11 **Q.** Were there times when only Mr. Ray spoke?

12 **A. Yes.**

13 **Q.** And when were those times?

14 **A. Usually in the beginning.**

15 **Q.** The beginning of what?

16 **A. The beginning of each round. He was**
17 **setting up what it is that we were supposed to be**
18 **doing.**

19 **Q.** In response to a question, you mentioned
20 a warrior group. What is that?

21 **A. A warrior group is after every course**
22 **that we took with James Ray, you were put into**
23 **warrior groups, which is a group of maybe 5 or 8,**
24 **maybe even 10. I've had some that were 10 people.**
25 **And you keep the conversation and the**

1 **content that was from that course alive by having**
2 **conversations maybe weekly or biweekly or once a**
3 **month, whatever the group agrees to.**

4 **But that's your warrior group. And there**
5 **is usually a Dream Team person that is the leader**
6 **or participates in the warrior group as well.**

7 **Q.** Was a warrior group formed after each
8 event that you participated in?

9 **A. Yes.**

10 **Q.** You were asked some questions about what
11 Mr. Ray said about the heat. Do you recall whether
12 there was more than one conversation during which
13 Mr. Ray told you what to expect during his sweat
14 lodge ceremony?

15 **A. I just remember the one right before we**
16 **went in talking about it and describing it.**

17 **Q.** And that one occurred where?

18 **A. In Crystal Hall.**

19 **Q.** Did Mr. Ray ever tell you how hot to
20 expect it to be?

21 **A. So hot that our skin will feel like it's**
22 **going to crawl or come off, peel.**

23 **Q.** Did Mr. Ray tell you why it would be so
24 hot?

25 **A. Because his sweat lodges are hotter than**

1 **anyone else's.**

2 **Q.** Did he ever explain to you the purpose of
3 the heat inside the sweat lodge?

4 **A. Not precisely.**

5 **Q.** Did Mr. Ray ever talk to you about an
6 altered experience or an altered state?

7 **A. Yes.**

8 **Q.** And when did he talk to you about that?

9 **A. Every course that he has there is some**
10 **sort of altered state that happens, and usually**
11 **several.**

12 **Q.** Do you recall whether Mr. Ray talked to
13 you about an altered state with respect to the
14 sweat lodge ceremony?

15 **A. Yes.**

16 **Q.** What do you recall he said?

17 **A. Just that we were going to be in an**
18 **altered state, to expect that. That's really all I**
19 **specifically remember.**

20 **Q.** Do you recall whether Mr. Ray told you
21 what --

22 MR. KELLY: Your Honor, objection to leading
23 questions.

24 THE COURT: Sustained.

25 **Q.** BY MS. POLK: In response to a question

1 from Mr. Kelly, you testified that Mr. Ray had said
2 the lodge -- the sweat lodge was made to his
3 specifications. When did you hear him say that?

4 **A. Whenever he -- actually trying to**
5 **remember. When we came back from the Vision Quest**
6 **and we were in the room, he had mentioned that he**
7 **had spent -- I guess it was whatever he was setting**
8 **up, the whole sweat lodge ceremony. He mentioned**
9 **that he had -- while we were in the Vision Quest,**
10 **he had taken time to go into Sedona and meet with**
11 **some Native American and talk about the sweat**
12 **lodge. And so that's when he started talking about**
13 **the fact that it was built a particular way.**

14 **Q.** In response to a question from Mr. Kelly
15 or a series of questions about the events of the
16 week, you responded that everything played a part
17 in what happened to you in the sweat lodge.

18 What did you mean by that?

19 **A. Well, I think it was definitely food**
20 **contributes to dehydration. It's not just water.**
21 **Food plays a part in that. Not having food**
22 **contributes to your dehydrated state. So I think**
23 **that they both contributed to it.**
24 **Not having enough sleep. That puts the**
25 **body under stress as well. Being put into**

1 **situations where you're dealing with stressful**
2 **situations as far as the content that we were**
3 **covering.**

4 **I think all of that adds to someone's**
5 **physical state or mental state going into something**
6 **like that.**

7 **Q.** You mentioned the contents of the
8 material you were covering. I'm not asking you to
9 reveal anything personal. But how does that -- how
10 did that create stress for you?

11 **A. It was very emotional. We were dealing**
12 **with things that might have happened to us early in**
13 **life, things that we've repressed, things that we**
14 **haven't thought about in a very, very long time.**

15 **And so to bring those up and to have to**
16 **deal with those types of things -- and I was**
17 **dealing with stuff about very personal things. And**
18 **so that was very stressful to have to open that**
19 **wound.**

20 **Q.** What was the diet of the week?

21 **A. It was vegetarian. It included a lot of**
22 **grains, beans and legumes and salad.**

23 **Q.** Is that how you eat normally?

24 **A. No.**

25 **Q.** You, in response to a question, made the

1 comment about skipping -- if you skipped yoga, you
2 would be ridiculed.

3 What do you mean by that?

4 **A. There were people that didn't come to**
5 **yoga. And when -- they got talked to. Like, they**
6 **got kind of reprimanded or told that they'd better**
7 **show up or they needed to show up.**

8 **Q.** Who said that?

9 **A. I'm actually not 100 percent sure it was**
10 **James. But somebody from the -- either the Dream**
11 **Team person or James made that comment.**

12 **Q.** You were asked some questions about Tess
13 Wong, and you were shown a picture of her in
14 Exhibit 1045. Is that the same woman that you
15 testified to about having been on her side and
16 being flipped to her back?

17 **A. Yes.**

18 **Q.** And then you had also testified about the
19 snorting noise she was making when she was
20 breathing. Is that all the same woman you pointed
21 out in Exhibit 145?

22 **A. Yes.**

23 **Q.** As people left the sweat lodge, did you
24 hear Mr. Ray say anything to them?

25 **A. Not specifically.**

1 **Q.** And how about as people came back in?

2 **A. When I was in the sweat lodge, nobody**
3 **that I know came back in.**

4 **Q.** You were asked some questions about the
5 role of the Dream Team. Were you ever told what
6 the role of the Dream Team members was inside the
7 sweat lodge?

8 **A. I don't recollect it ever being talked**
9 **about.**

10 **Q.** And you were asked a question about Josh
11 Fredrickson being a Dream Team member. Was he a
12 Dream Team member?

13 **A. He was -- he works for James. But he**
14 **wasn't wearing a blue -- a little purple shirt like**
15 **the Dream Teamers.**

16 **Q.** Do you know when Josh Fredrickson came
17 out of the sweat lodge?

18 **A. Sort of.**

19 **Q.** What do you --

20 **A. I know he came out after me. And it was**
21 **probably a couple rounds after me. But he left**
22 **early.**

23 **Q.** Did you make any observations about Josh
24 when he left early?

25 **A. No, I didn't.**

1 Q. You were asked some questions about --
2 questions about rock climbing or climbing a
3 mountain and how you would feel about that. How
4 did you -- let me ask you this: What do you
5 understand about heat -- or what did you understand
6 about heat prior to doing Mr. Ray's sweat lodge
7 ceremony?

8 A. That you should drink a lot of water if
9 it's going to be hot.

10 Q. Did you have any understanding that at
11 some point heat can be dangerous?

12 A. I mean, I guess I've heard of heat
13 stroke. I didn't know anybody or how that
14 happened. But I've heard of it.

15 Q. As part of this seminar, did Mr. Ray ever
16 inform you about heat and dangers associated with
17 heat?

18 MR. KELLY: Your Honor, object. Leading
19 question.

20 THE COURT: Sustained.

21 Q. BY MS. POLK: Mr. Kelly asked you a
22 question about air ventilation in the sweat lodge.
23 And you testified it was stated inside the sweat
24 lodge that people were not getting air.

25 First of all, when did you hear that

1 comment?

2 A. It was after the first couple of door
3 flap openings. Like, that was a concern.

4 Q. And what specifically do you recall being
5 said?

6 A. I don't remember specifics. It was,
7 like, we're not getting circulation or we aren't
8 getting any of the air.

9 Q. Do you recall what part of the sweat
10 lodge the comment came from?

11 A. I don't remember the directions. It
12 would have been across from me. Across and further
13 to the back.

14 Q. I'm going to put back up on the overhead
15 real quick Exhibit 414.

16 And, first of all, remind the jury where
17 you were sitting.

18 A. Okay. I was sitting there. And it
19 seemed like it came from maybe back here.

20 Q. Did you hear anyone respond to the
21 comment about not getting air?

22 A. No.

23 Q. You were asked some questions about Lou
24 and your observations about Lou's injury. How
25 close to Lou were you when you saw his arm?

1 A. Like, maybe six feet maybe. Maybe not
2 even that far.

3 Q. And you made the comment that Lou was
4 disoriented. Specifically what did you see?

5 A. He was just staring off, like, into the
6 dirt and just didn't seem coherent.

7 Q. Did you observe whether the arm was ever
8 wrapped in any way?

9 A. It wasn't.

10 Q. Do you know if it was ever wrapped before
11 Mr. Caci, or Lou, went to the hospital?

12 A. I never saw it wrapped.

13 Q. With respect to Dennis Mehravar, you
14 responded to a question that Dennis calmed down
15 some after Mr. Ray spoke to him.

16 What do you mean calmed down some?

17 A. He wasn't screaming at the top of his
18 lungs anymore.

19 Q. What was he still doing?

20 A. He was still complaining about his heart,
21 he feels like he was going to die.

22 Q. When was it that Mr. Mehravar or Dennis
23 began vomiting, projectile vomiting, as you
24 described earlier?

25 A. Shortly after those comments.

1 Q. You were asked about why you were upset.
2 And your response -- this is when it was all over.
3 Your response is that you had no closure.

4 First of all, what do you mean by that?

5 MR. KELLY: Your Honor, objection. Relevance.

6 THE COURT: Overruled.

7 Q. BY MS. POLK: What did you mean?

8 A. State the question again.

9 Q. Mr. Kelly had questioned you about some
10 comments you made to the detective about when it
11 was over being -- you were upset, no dinner. And
12 your response was, well, you had no closure?

13 MR. KELLY: Your Honor, excuse me. We need to
14 approach.

15 THE COURT: All right.

16 Ladies and gentlemen, please feel free to
17 stand and stretch.

18 And you also, Ms. Rainey.

19 (Sidebar conference.)

20 MR. KELLY: Judge, my fear is after reviewing
21 her transcripts that this is going to go into an
22 area commenting on my client's right to silence,
23 why he didn't speak to the police, why he didn't
24 speak to the JRI employees. He was acting on the
25 advice of his attorney.

1 THE COURT: Ms. Polk, that would be an issue
2 if that's where it goes.

3 MS. POLK: I'm not sure where the state
4 involvement is. I'm missing something. Where is
5 the state involvement? Even if -- I don't know
6 what Mr. Ray learned from his attorney. But where
7 is the state involvement if he chooses not to come
8 back and give closure to his participants?

9 MR. KELLY: Judge, what is the relevance?

10 THE COURT: Just -- you know -- an area that's
11 brought up. And there is an implication,
12 Mr. Kelly, that stated, essentially, he had a focus
13 on not getting dinner or something. And she says
14 there was more to it than that.

15 But with regard to state involvement,
16 Mr. Kelly, I guess you didn't have a reply to that.
17 It would be -- it could have to do -- it may well
18 have to do with legal advice. There were no
19 detectives there necessarily or something like
20 that.

21 MR. KELLY: Judge, keep in mind the sequence
22 of events is he's in the back of a patrol vehicle
23 throughout much of the evening of October 8. He's
24 not able to go to the Crystal Hall and meet with
25 these people. He's being detained during their

1 investigation.

2 And we heard this testimony that he's
3 then released. He goes to his room. We had an
4 argument a couple weeks ago about the room was
5 being secured by --

6 (Pause in proceedings.)

7 MR. KELLY: Are you ready?

8 The room had been secured by a detective.
9 And that's why he couldn't retrieve his personal
10 items. He made a telephone call to his attorney
11 and didn't speak to the police.

12 So what is she going to add? That she
13 wanted closure? It's a manslaughter case. I don't
14 understand it.

15 THE COURT: The other thing is the way
16 questions are getting answered on cross is people
17 are just not answering yes or no. They're going
18 ahead and filling out the answer anyway. So she
19 answered quite a bit of detail what she meant about
20 closure.

21 MS. POLK: Judge, I'll just move on.

22 THE COURT: Yes. Thank you.

23 (End of sidebar conference.)

24 Q. BY MS. POLK: Ms. Rainey, you were asked
25 some questions about Kristine Bivins and Tess Wong

1 in contrast to Jeanne Armstrong.

2 Do you remember those questions?

3 A. Yes.

4 Q. Do you know where Kristine Bivins was
5 inside the sweat lodge, where she sat?

6 A. She was somewhere in that section.

7 Q. Do you know where Tess Wong was?

8 A. I don't know where Tess was.

9 Q. Do you know where Jean Armstrong was?

10 A. I would guess, but I think Jean was over
11 here. She was further away.

12 Q. Do you know if the conditions inside the
13 sweat lodge in terms of the heat and the steam were
14 the same for everybody?

15 A. I don't know that.

16 Q. Thank you.

17 Thank you, Your Honor.

18 THE COURT: Thank you, Ms. Polk.

19 Do any of the jurors have a question for
20 Ms. Rainey?

21 Could the attorneys please approach to go
22 over the questions.

23 (Sidebar conference.)

24 THE COURT: I'm going to give you No. 2 first.

25 Any objection?

1 MS. POLK: No objection.

2 MR. KELLY: Judge, I would object. I'd
3 incorporate our prior discussion and argue
4 relevance, potential prejudice.

5 THE COURT: There were quite a few questions
6 about talking to people afterwards. I'm going to
7 ask this.

8 Then there is this question.

9 Ms. Polk?

10 MS. POLK: I don't believe this witness would
11 have personal knowledge. I have no objection to
12 the question. But I'll just offer that I don't
13 believe this witness has personal knowledge of what
14 happened on prior occasions. It's what she's
15 learned.

16 THE COURT: Mr. Kelly?

17 MR. KELLY: Judge, I would object to the
18 question being asked. Clearly it's requesting a
19 hearsay response. She was not present. Plus I
20 would incorporate all the arguments that defense
21 counsel has made in regards to the admissibility of
22 the prior-act evidence. 1

23 THE COURT: Okay. I'm not going to ask that
24 question. I'm going to just give the usual -- I
25 don't do it every time. Just to say asking

1 questions is -- my legal decision type explanation.

2 (End of sidebar conference.)

3 THE COURT: Ms. Rainey, I'll ask the question,
4 and then the attorneys may follow up. Was there a
5 warrior group meeting after the October 8, 2009,
6 sweat lodge?

7 THE WITNESS: Yes. There has been several
8 warrior group calls.

9 THE COURT: Any follow up, Ms. Polk?

10 MS. POLK: May I have a moment, Your Honor?

11 THE COURT: Yes.

12 FURTHER REDIRECT-EXAMINATION

13 BY MS. POLK:

14 Q. Ms. Rainey, when was that warrior group
15 organized that you're referring to?

16 A. **The warrior group was organized maybe**
17 **second day of Spiritual Warrior.**

18 Q. Did you meet with your warrior group
19 after the events that occurred in October of 2009?

20 A. **Meet in person? Just by phone.**

21 Q. By phone?

22 A. **Yes.**

23 Q. And how many times did you meet?

24 A. **Maybe once a week.**

25 Q. For how long?

1 A. **Still to date.**

2 Q. And who was in your warrior group that
3 still meets today?

4 A. **Julie Minn and Amy Grimes.**

5 Q. Thank you.

6 Thank you, Your Honor.

7 THE COURT: Mr. Kelly, any follow up?

8 MR. KELLY: I have no questions. Thank you.

9 THE COURT: May Ms. Rainey be excused as a
10 witness, Ms. Polk?

11 MS. POLK: Your Honor, I'd like to have her
12 subject to recall.

13 THE COURT: Okay.

14 Ms. Rainey, you will be temporarily
15 excused anyway as a witness. That means the rule
16 of exclusion of witnesses is going to continue to
17 apply to you. Even people who are excused as a
18 witness can remain in the courtroom, but you cannot
19 because you might be called back.

20 Even those people still have to honor the
21 other part of the rule about not attempting to in
22 any way to communicate with other witnesses about
23 the case or their testimony or your testimony until
24 the trial is completely over.

25 But in your case, all of the aspects of

1 the rule of exclusion continue to apply. You're

2 excused for now anyway.

3 Thank you.

4 Ms. Polk.

5 MS. POLK: Your Honor, the state calls Mark
6 Rock, please.

7 THE COURT: Sir, step to the front of the
8 courtroom where the bailiff is directing you.

9 And raise your right hand and be sworn by
10 the clerk.

11 MARK ROCK,

12 having been first duly sworn upon his oath to tell
13 the truth, the whole truth, and nothing but the
14 truth, testified as follows:

15 THE COURT: Sir, please be seated here to my
16 right.

17 Sir, please begin by stating and spelling
18 your full name.

19 THE WITNESS: My name is Mark Rock; M-a-r-k,
20 R-o-c-k.

21 THE COURT: Thank you.

22 Ms. Polk.

23 MS. POLK: Thank you.

24
25 ///

1 DIRECT EXAMINATION

2 BY MS. POLK:

3 Q. Good afternoon, Mr. Rock.

4 A. **Good afternoon.**

5 Q. Thank you for being here. Will you start
6 by telling the jury what community you live in.

7 A. **Right at this present time I live in**
8 **Phoenix, Arizona.**

9 Q. And where do you come from originally?

10 A. **Shanai, Illinois.**

11 Q. How long did you live in Illinois before
12 coming out to Arizona?

13 A. **Oh, probably 52 years.**

14 Q. Are you married?

15 A. **Yes, I am.**

16 Q. And what is your wife's name?

17 A. **Vicky.**

18 Q. How long have you and Vicky been married?

19 A. **We've been married for -- you're testing**
20 **me now -- 27 years this year.**

21 Q. Do you and Vicky have children?

22 A. **Yes, we do.**

23 Q. Are they grown children?

24 A. **They're adults. Yes.**

25 Q. At some point, Mr. Rock, did you come to

1 learn of a man named James Ray.

2 **A. Yes, I did.**

3 **Q. Do you see him here in the courtroom?**

4 **A. He's right there.**

5 **Q. How did you learn of Mr. Ray?**

6 **A. Through The Secret video that was promoted**

7 **on Oprah. He was on there, and he was a part of**

8 **it.**

9 **Q. Did you and your wife watch The Secret**

10 **together?**

11 **A. Yes, we did.**

12 **Q. Did you then attend an event?**

13 **A. Yes. The first event we attended was --**

14 **it was a free event that was put on by James Ray in**

15 **Illinois in April. And from that event we signed**

16 **up and went to another event called "Harmonic**

17 **Wealth."**

18 **Q. Do you recall when the free event was**

19 **that you attended -- what year?**

20 **A. That would be 2006.**

21 **Q. How did you know about that event, that**

22 **free event?**

23 **A. Through The Secret. My wife found that**

24 **on -- she actually Googled "James Ray" and found**

25 **out more about him and found out that there was an**

1 **event.**

2 **Q. The Harmonic Wealth weekend that you**

3 **attended -- when was that?**

4 **A. That was in Atlanta. And it was in**

5 **September. I believe it was a September event --**

6 **or I'm not quite sure. I'd have to look it up.**

7 **But it was in the fall of 2006, I think, 2007. I'm**

8 **not sure.**

9 **Q. Did your wife attend that with you?**

10 **A. Yes.**

11 **Q. Did you attend another event after that?**

12 **A. Yes. The event that I attended after**

13 **that was in 2008. And that was Spiritual Warrior.**

14 **Q. Did you ever attend something called "The**

15 **Dreamer and The Dream"?**

16 **A. Yes. I attended that in 2009. I believe**

17 **it was April.**

18 **Q. That was after Spiritual Warrior?**

19 **A. Yes, it was.**

20 **Q. The Spiritual Warrior event that you**

21 **attended in 2008 -- where was that held?**

22 **A. At Angel Valley.**

23 **Q. And after that you attended something**

24 **called "The Dreamer and The Dream"?**

25 **A. And that was at Dana Point, California.**

1 **Q. After that did you attend another event?**

2 **A. I was a volunteer, part of what was the**

3 **Dream Team, at a Harmonic Wealth Weekend in**

4 **Chicago. It was in early July, I believe, of 2009.**

5 **Q. Did you then dream team for another**

6 **event?**

7 **A. And then I dream teamed for the 2009**

8 **Spiritual Warrior in October of 2009.**

9 **Q. How did you become a Dream Team member?**

10 **A. I just had talked to some of his staff**

11 **people at Dana Point, which was in April, and told**

12 **them I was interested. They told me to email them.**

13 **And I emailed them. And because of the one being**

14 **in Chicago and I lived there at the time, they had**

15 **me do that one.**

16 **And then I did the same thing for**

17 **Spiritual Warrior. And they emailed me and said**

18 **they wanted me to come to Spiritual Warrior 2009.**

19 **Q. I want to ask you a few questions about**

20 **Spiritual Warrior 2008. First of all, do you**

21 **recall how much you paid to attend that?**

22 **A. It was in the high \$9,000 range.**

23 **Q. For your wife as well?**

24 **A. Per person.**

25 **Q. For the Spiritual Warrior event in 2008,**

1 you were a participant?

2 **A. That's correct.**

3 **Q. I'm not going to ask you about the events**

4 **of the week. I just have a few questions**

5 **specifically about a sweat lodge ceremony. Did you**

6 **participate in a sweat lodge ceremony in -- at**

7 **Spiritual Warrior 2008?**

8 **A. Yes, I did.**

9 **Q. Had you done a sweat lodge before then?**

10 **A. Never.**

11 **Q. And did you know what to expect?**

12 **A. I had very little idea of what to expect**

13 **other than it was going to be what James Ray told**

14 **us it was going to be.**

15 **Q. Did you participate in something called a**

16 **"Vision Quest" in 2008 before doing the sweat**

17 **lodge?**

18 **A. Yes, I did.**

19 **Q. During the Vision Quest did you have any**

20 **food or water?**

21 **A. No, I did not.**

22 **Q. Do you know how many hours that was?**

23 **A. Well, it was -- there was an event called**

24 **the "Samurai Game." And we didn't have anything, I**

25 **believe, after lunch that day. I would say that it**

1 was well over 40 hours.

2 Q. When was it that you learned for 2008
3 that you would be doing a sweat lodge ceremony with
4 Mr. Ray?

5 A. At the event.

6 Q. When was it that Mr. Ray specifically
7 told you what to expect?

8 MR. KELLY: Your Honor, I'm going to object
9 relevance.

10 THE COURT: Overruled.

11 THE WITNESS: That day in the afternoon
12 probably not even an hour before the event.

13 Q. BY MS. POLK: And what do you recall
14 today Mr. Ray telling you about the sweat lodge?
15 This is for 2008.

16 MR. KELLY: Your Honor, objection. Relevance.

17 THE COURT: Overruled.

18 THE WITNESS: He told us that it was the
19 hottest sweat lodge that anybody ever did, that the
20 Native Americans thought that he was crazy. He
21 bragged about it. He said that don't worry. You
22 won't die -- you know -- you pass out, we'll wait
23 until it's over and drag you out by your heels.

24 MR. KELLY: Your Honor, may we approach?

25 THE COURT: Well, I wanted to break at 4:00.

1 Ms. Polk, we took a shorter recess
2 before. So we'll go ahead and take another
3 relatively brief recess. I want to start at 10
4 after, ladies and gentlemen. So remember the
5 admonition.

6 Mr. Rock, the rule of exclusion of
7 witnesses has been invoked, meaning you can't
8 discuss your testimony with any other witnesses.

9 So the jury and Mr. Rock may be excused.
10 I'll ask the attorneys to remain.

11 (Proceedings continued outside presence
12 of jury.)

13 THE COURT: Thank you. Please be seated.

14 The record will show the jury and witness
15 have left the room.

16 Mr. Kelly.

17 MR. KELLY: Judge, I did not anticipate that
18 Mr. Ray's statements a year prior to the date
19 alleged in the indictment were somehow going to
20 come in purportedly under 801(d)(2). I do not see
21 any connection between statements made in 2008 with
22 the alleged crimes of 2009. They don't relate to
23 causation.

24 The only thing they can do is prejudice
25 Mr. Ray. We have no way to cross-examine the

1 veracity of these statements. We don't have a tape
2 like we have in 2009.

3 We heard from Mr. Rock in November
4 of 2010. With all due respect, I believe he has an
5 issue with Mr. Ray and is likely to say anything as
6 to my client's purported statements in 2008.

7 I simply do not see the relevance. I
8 believe it's unduly prejudicial. It does not
9 relate to causation. And all this is is the
10 continued pattern or propensity evidence which is
11 precluded under 404(b).

12 We had a court ruling about the
13 admissibility of 2008. We argued it. You said it
14 would be limited, that you would respect cumulative
15 objections. We've heard now from several witnesses
16 as to their descriptions as to what happened
17 in 2008.

18 We have doctors testifying that it would
19 be dangerous to go down this path in drawing
20 conclusions as to the cause of death in 2009. And
21 now we're not even talking about the event in '08
22 but simply my client's statements purportedly made
23 prior to the event.

24 Judge, I'd ask that the -- I'd ask that
25 the last question as well as the answer be stricken

1 at this point before we go any further.

2 THE COURT: Ms. Polk.

3 MS. POLK: Your Honor, this Court has ruled
4 that what happened in prior years is relevant to
5 the issue of causation. This information is
6 clearly relevant to the issue of causation. What
7 Mr. Ray is describing for participants before
8 the 2008 event as well as the 2009 event are
9 specifically heat-related symptoms, signs and
10 symptoms of heat-related illnesses. And that's
11 what this is relevant to.

12 The defense has suggested that what
13 happened in 2009 was due to some other cause, such
14 as organophosphates or some other unknown cause.
15 And yet what we know and the jury will hear through
16 this witness is prior to 2008, Mr. Ray specifically
17 describes for them what they will experience, and
18 it's as a result of the heat. And what they will
19 experience are going to be the signs and symptoms
20 of heat-related illness.

21 So the information is clearly relevant on
22 this issue of causation, which, again, the defense
23 has made an issue in this case.

24 THE COURT: I really had previously ruled on
25 this issue and the situation when there are people

1 who happened to have been at more than one sweat
2 lodge.

3 So the objection is overruled. And we'll
4 resume about 10 after.

5 Thank you.

6 (Recess.)

7 (Proceedings continued in the presence of
8 jury.)

9 THE COURT: The record will show the presence
10 of Mr. Ray, the attorneys and the jury. Mr. Rock
11 has returned to the stand.

12 Ms. Polk.

13 MS. POLK: Thank you, Your Honor.

14 Q. Mr. Rock, right before we took the break,
15 we were talking about the Spiritual Warrior 2008
16 event and the briefing that Mr. Ray gave you and
17 other participants before beginning that ceremony.

18 A. Uh-huh.

19 Q. Where did that briefing take place?

20 A. It took place in the Crystal Hall.

21 Q. How much time between that briefing and
22 the time when the sweat lodge ceremony began?

23 A. Probably about a half hour.

24 Q. And do you recall how long the briefing
25 was?

1 A. It was 5 or 10 minutes, I think. It
2 wasn't real long.

3 Q. Did Mr. Ray ever tell you what the
4 purpose of the sweat lodge ceremony was?

5 A. Well, the purpose of the sweat lodge
6 ceremony was to metaphorically die and be reborn.

7 Q. And who told you that?

8 A. James Ray.

9 Q. And anything else about the sweat lodge?

10 A. Just what I stated. How hot it was and
11 that don't worry about it and push beyond -- it's
12 something you need to push beyond your normal
13 comfort zone. And you'll be okay. And talked
14 about the reason for hosing you off was to close
15 your pores afterwards to keep you healthy, that
16 type of thing.

17 Like, it was all tongue in cheek, so to
18 speak, about how you might die and that type of
19 thing, and we'll drag you out by your heels type
20 stuff.

21 Q. What did Mr. Ray say specifically about
22 pushing yourself?

23 A. Well, he said that it was going to be
24 hotter than hot. You're going to feel like you're
25 going to die. You're going to feel like your skin

1 is going to come off, that type of thing.

2 But you need to stick with it, push

3 beyond because you're a warrior, and this is
4 Spiritual Warrior. So it's how you get to where
5 you want to be.

6 Q. Did Mr. Ray explain where that place
7 was -- you just said how you get to where you want
8 to be. What did Mr. Ray say specifically about
9 that?

10 A. Well, it's all about growing as a person
11 and dealing with issues that are uncomfortable for
12 you and whatever problems you had in your life that
13 it's how to overcome them. So those are some of
14 the things.

15 Q. During the week of Spiritual
16 Warrior 2008, did you learn about altered states?

17 A. Yes, I did.

18 Q. And in what context?

19 A. Well, it was in the breathwork --

20 MR. KELLY: Excuse me, Mr. Rock.

21 I object based on relevance.

22 THE COURT: Overruled.

23 THE WITNESS: He did a session where we did
24 breathwork where we -- what we did is over
25 oxygenated our blood, and that created an altered

1 state. During that altered state I became -- it's
2 like you see hallucinations, that type of thing.
3 So that's an altered state. That's the first time
4 I experienced that in that manner.

5 Q. BY MS. POLK: And that was during the
6 breathwork?

7 A. During the breathwork.

8 Q. Did Mr. Ray say anything about an altered
9 state during in sweat lodge ceremony?

10 A. Well, I mean, I can't recall his exact
11 words, but I know that when we found out about
12 the -- when we experienced the altered state, which
13 was one of the first times we'd done that -- and
14 then in the sweat lodge I knew that -- I don't
15 remember him saying it. But I remember thinking
16 that this is going to be a similar type experience.

17 Q. Did you know what to expect upon entering
18 the sweat lodge?

19 A. No, I did not.

20 Q. And I'm going to put up on the overhead
21 Exhibit 414, which is just a simple diagram with
22 the entrance to the sweat lodge being over here.

23 A. Okay.

24 Q. We're still talking about 2008.

25 A. Okay.

1 Q. Do you recall today what position you had
2 in the sweat lodge?

3 A. I was right about there. And I was in
4 the front row.

5 Q. "Front row," meaning closer to the pit?

6 A. Closest to the pit.

7 Q. Describe generally for the jury, then,
8 what you experienced.

9 A. In 2008 I was in there for the first and
10 second round. It got extremely hot. And I got to
11 the point -- because I had never experienced such
12 heat, I guess, I got to the point where I left
13 after two rounds.

14 Q. And what did you do once you left?

15 A. Well, I went outside, and I got water.
16 And, of course, I was able to breathe. And I got
17 oxygen and water. And I started feeling pretty
18 good. So after the third round had ended, which I
19 stayed out the whole third round, I went back in
20 for the fourth round.

21 Q. Where did you sit when you went back in?

22 A. I can't remember exactly. I believe it
23 was over in that area for the fourth round.

24 Q. Did you stay in for the fourth round?

25 A. I stayed in for the complete fourth

1 round. And then after the fourth round, I went out
2 again.

3 Q. And why did you go out?

4 A. I just wasn't feeling right. And so once
5 I got out, I recovered much quicker this time. And
6 I had some water. And so then after the fourth
7 round, I sat out -- or the fifth round I sat out.
8 Sorry. I went back in for the sixth and seventh
9 round.

10 Q. And how many rounds did Mr. Ray conduct
11 in 2008?

12 A. Seven rounds.

13 Q. When you went back in, then, that last
14 time, where did you sit?

15 A. The last time I went in, I was actually
16 laying down right in this position.

17 Q. What made you lay down?

18 A. At that time when I went back in, there
19 was two ladies in there. Jennifer Wong was sitting
20 here or laying there. And Tari Coffey was there.
21 So I laid down in between them. There was a lot of
22 space because there was -- quite a few people had
23 left. There was a lot more space.

24 And when I laid down next to them and in
25 the sixth round, it started -- the round started

1 again. And they showed me after it got a little
2 too hot, they started lifting the edge of the sweat
3 lodge.

4 Q. I'm going to put up Exhibit 145, which is
5 the sweat lodge in 2009. But I want you to explain
6 to the jury what you just said about lifting the
7 edge of the sweat lodge.

8 A. I'm sorry. I didn't hear that last part.

9 Q. I want you to explain to the jury,
10 pointing to the sweat lodge itself, what you just
11 testified about lifting the edge.

12 A. Well, the edge is right along the bottom
13 where the tarp or the side of the sweat lodge meets
14 the ground. So it comes down, and it actually kind
15 of drapes down and is on the ground a little bit
16 right at that point.

17 And so if you lift it up about an inch,
18 it brings in the oxygen so that you can breathe and
19 you can continue to be in there.

20 Q. What part of the sweat lodge, then, were
21 you lifting up in 2008 when you went in for the
22 last two rounds?

23 A. In the last two rounds, like I stated, we
24 were in this area here. And so it was this edge of
25 the sweat lodge. And, actually, I personally

1 wasn't lifting it up. Tari Coffey and Jennifer
2 Wong were lifting it up. And that -- since I was
3 in between them, it was getting me air. And so it
4 made it so I could stay in there.

5 Q. When the -- how did you feel during the
6 last two rounds?

7 A. It felt hot, but it didn't feel that bad.
8 It felt -- it was much more doable to stay in
9 there.

10 Q. Did that have a relationship to lifting
11 the flap that made it more doable?

12 A. Absolutely. Absolutely. Because you
13 could feel the coolness from the air. And you
14 could also -- oxygen. Oxygen was the most
15 important thing.

16 Q. When that ceremony was over, how did you
17 get out?

18 A. Well, we all got up. And, as instructed,
19 we crawled around in a clockwise position and went
20 out the door.

21 Q. And how were you feeling at that time?

22 A. I was feeling a little weak at that time.
23 There was a lot of adrenaline that had gone on in
24 being part of the event. But I recovered extremely
25 quickly. I was able to get up. The tobacco

1 **pouches that we had put our intentions into we were**
 2 **to take and throw in the fire, which was outside.**
 3 **And so I was able to do that.**

4 **And, actually, my wife had exited after**
 5 **the first round. So I went back and got hers where**
 6 **she -- got hers and took both of ours and threw**
 7 **them in the fire. So I felt pretty good in a very**
 8 **short period of time in 2008.**

9 **Q.** 2008. And before you went in for the
 10 last two rounds in 2008, did you observe how many
 11 people were outside?

12 **A.** There was quite a few people -- you
 13 know -- 2008 is three years ago. I can't remember.
 14 **But there was quite a few people that were outside.**

15 **Q.** And in terms of a percentage of the total
 16 participants, are you able to recollect today how
 17 many were out versus how many were in?

18 **A.** I'd say half.

19 **Q.** Half were outside?

20 **A.** I'd say half. And, like I said, there
 21 was a lot of room. It's, like, when I laid down
 22 between Jennifer Wong and Tari Coffey, we weren't
 23 right next to each other. There was plenty of
 24 room.

25 **Q.** When you left the sweat lodge in 2008,

1 were you able to walk out on your own?

2 **A.** Yes.

3 **Q.** At some point did you have the
 4 opportunity to observe other participants?

5 **A.** In 2008?

6 **Q.** 2008.

7 **A.** Yeah. I did.

8 **Q.** And did you become aware of others who
 9 appeared to be in some stage of distress?

10 **A.** Yes. I did.

11 **Q.** Who did you first become aware of?

12 **A.** I think the first person I became aware
 13 of was Barb Waters. She was out of it. I mean,
 14 she was not coherent. And I remember seeing them
 15 take her in a golf cart and take her back to her
 16 room.

17 **MR. KELLY:** Object, Your Honor. It's
 18 cumulative.

19 **THE COURT:** Overruled.

20 **Q.** BY MS. POLK: I'm going to put up on the
 21 overhead Exhibit 1045 and ask you specifically who
 22 this person is right there?

23 **A.** That is Barb waters.

24 **Q.** How was your attention drawn to Barb?

25 **A.** In 2008?

1 **Q.** Yes. 2008.

2 **A.** Well, she was my wife's roommate. And so
 3 I got to know her a little bit. She got her hair
 4 cut. She had long hair and had had it forever.
 5 And so she got her hair cut, not buzzed off. But
 6 she got it cut quite a bit for her. So there was
 7 some interaction there.

8 **Q.** After the ceremony in 2008, when did you
 9 first become aware of Barb?

10 **A.** When did I first become -- after the
 11 sweat lodge ceremony?

12 **Q.** Yes.

13 **A.** When I saw them picking her up and taking
 14 her into the golf cart.

15 **Q.** Where was Barb when you saw someone
 16 picking her up? Was she inside or outside?

17 **A.** Oh. She was outside.

18 **Q.** What did you observe about her body?

19 **A.** It was limp. It was limp. It looked
 20 like somebody who had -- who wasn't -- who was
 21 passed out.

22 **Q.** Did you later see Barb?

23 **A.** I walked in -- I didn't see her. I only
 24 knew that she was in the back of the cabin where my
 25 wife was because I was checking on my wife. And my

1 **wife was actually taking care of Barb and giving**
 2 **her water and trying to help her out at that time.**
 3 **This was probably an hour or so after.**

4 **Q.** And did you see Barb later that night or
 5 the next day?

6 **A.** I saw her the next morning.

7 **Q.** What did you observe about her then?

8 **A.** She seemed fine.

9 **Q.** Did you see anybody else after the sweat
 10 lodge ceremony that appeared to be in stage of
 11 distress?

12 **A.** There was a lady named -- I believe her
 13 name was Rose. She had short, dark, curly hair.
 14 And she didn't make dinner that night, and somebody
 15 had brought her some food, and it was time to meet
 16 at the Crystal Hall.

17 **And we were all walking, and they were,**
 18 **like, on each side of her holding her arms. And**
 19 **she was very loopy, very out of it, was just, like,**
 20 **in another world, kind of answering your questions**
 21 **but not.**

22 **Q.** Did what you saw in either Barb Waters or
 23 Rose concern you?

24 **A.** In 2008? It didn't really concern me
 25 that much at the time. I just didn't really pay

1 **attention to it. I was more involved in the event,**
2 **I believe.**

3 **Q.** Do you know why it didn't concern you?

4 **MR. KELLY:** Your Honor, objection. Asked and
5 answered, relevance.

6 **THE COURT:** Sustained.

7 **Q.** BY MS. POLK: Let's move on to 2009 and
8 your role as a Dream Team member. First of all,
9 did you pay to participate in Spiritual
10 Warrior 2009?

11 **A.** **I paid for the accommodations. I think**
12 **we got a little bit of a break on what it cost to**
13 **stay there and to have meals.**

14 **Q.** And as part of a Dream Team member, did
15 you travel to Sedona to the Angel Valley Retreat
16 Center earlier than the participants?

17 **A.** **Yes, we did.**

18 **Q.** Do you recall how many Dream Team members
19 there were?

20 **A.** **In 2009?**

21 **Q.** Yes.

22 **A.** **There was seven.**

23 **Q.** Had you met the other Dream Team members
24 before October of 2009?

25 **A.** **I had met Jennifer Haley. I had met**

1 **Christine Jobe. I had met Barb Waters. I had met**
2 **Lisa Rondan. I had met Aaron Bennett. The only**
3 **one I had never met before was Liz Neuman.**

4 **Q.** And do you know if Liz Neuman was at
5 Spiritual Warrior 2008?

6 **A.** **No. She was not.**

7 **Q.** I'm going to put up on the overhead
8 Exhibit 1056 and ask you if you recognize anybody
9 in this photograph?

10 **A.** **Yeah. That's Dennis right here. And, of**
11 **course, that's Liz Neuman here. And that's Dennis.**
12 **This is Gabrielle. That's James Shore.**

13 **Q.** With the glasses?

14 **A.** **Yeah. Right there.**

15 **Q.** I'm going to take away that. Is this
16 James Shore back there?

17 **A.** **That's James Shore right there. That's**
18 **Melissa. And that's about it.**

19 **Q.** Do you know who this tall person is?

20 **A.** **I can't remember his name. No.**

21 **Q.** As a Dream Team member, Mr. Rock, did you
22 receive any training?

23 **A.** **No. Just some instructions every day of**
24 **what we were supposed to do. My instructions were**
25 **to keep the water filled in the Crystal Hall. They**

1 **had five-gallon water containers. And I would keep**
2 **them filled. And if people had questions, pretty**
3 **much tell them to go back and write. That was the**
4 **extent of the instructions.**

5 **Q.** Who was it that told you to keep the
6 water cooler filled for the Crystal Hall?

7 **A.** **Megan Fredrickson.**

8 **Q.** And who did you understand Megan to be?

9 **A.** **She was the head of his staff, from what**
10 **I understood.**

11 **Q.** Did you ever receive any written
12 materials about the Spiritual Warrior 2009?

13 **A.** **No.**

14 **Q.** I'm going to show you what's marked and
15 admitted as Exhibit 253 and ask if you've ever seen
16 this document before?

17 **A.** **Yes. This would be the script. I'm**
18 **sorry. This would be the script that scripted the**
19 **events for every day. And yes. We did get this.**
20 **I was thinking in terms, like, a package like the**
21 **participants would get.**

22 **Q.** Who gave you this script?

23 **A.** **Megan.**

24 **Q.** And did it come in bits and pieces or as
25 one document?

1 **A.** **It was one long document.**

2 **Q.** The document that you received -- did it
3 have handwriting on it? Was it -- let me flip, for
4 example, to Bates 2426 that has handwriting. Did
5 you receive one -- did you receive one with
6 handwriting, or do you recall?

7 **A.** **No. No. It was blank. It was just the**
8 **times and the different things that were going to**
9 **go on at those times. It just had the dates, the**
10 **interval times and the schedule times and then, of**
11 **course, what was being done at that time.**

12 **Q.** And if you had questions about what was
13 on the script, who would you ask them of?

14 **A.** **I didn't have any. But I would have**
15 **asked Megan.**

16 **Q.** Did you participate in the registration
17 process as participants first arrived at
18 Angel Valley on Sunday?

19 **A.** **In 2009, yes.**

20 **Q.** And what was your role for that
21 registration process?

22 **A.** **My role was to greet the people, which I**
23 **really enjoy doing because I really liked the**
24 **people that came to these events. A lot of good**
25 **people came. And also to help them -- give them a**

1 package that was provided by JRI, which was a
2 backpack, a water bottle, some salt, some different
3 things that JRI was providing, and also to have
4 them sign their waivers.

5 Q. Who told you about having participants
6 sign waivers?

7 A. Megan Fredrickson.

8 Q. And do you recall what your instructions
9 were with regard to the waivers?

10 A. Well, my instructions were to -- I
11 remember her saying that we only had so much time
12 to check people in and that tell them to -- you
13 know -- hurry up and sign their waivers. Go back
14 to their -- go find their rooms and then get to
15 dinner. Because, I believe, it was between 4:00
16 and -- around 4:00 o'clock, 4:30, that they had to
17 be out of there.

18 Q. Where did the registration process take
19 place?

20 A. In the what they call the "Heart
21 Pavilion." It's a big tent that is right across
22 from the parking lot where people would come and
23 park.

24 Q. The waiver forms that you were having
25 people sign -- had you seen those forms before?

1 A. I'd seen -- I never read them in 2009,
2 and I didn't really read them in 2008. But they
3 looked similar.

4 Q. Did you sign some waivers in 2008?

5 A. Yes, I did.

6 Q. Did you sign any waivers in 2009?

7 A. Yeah. I believe I did sign waivers.
8 Yes.

9 Q. For the participants who were filling out
10 the waivers, did you observe whether they read the
11 waivers?

12 MR. KELLY: Objection, Your Honor.
13 Speculative.

14 THE COURT: Sustained.

15 Q. BY MS. POLK: Did you observe
16 participants as they filled out the waivers?

17 A. Yes, I did.

18 Q. And did you observe how long participants
19 took to fill out the waivers?

20 A. Most of them filled it out as quickly as
21 they could so they could get to their rooms.

22 Q. Do you recall whether anybody had any
23 questions for you about the waiver they were
24 signing?

25 A. I didn't have one question about the

1 waiver.

2 Q. Mr. Rock, on that Sunday night was there
3 an event that involved shaving of heads?

4 A. Yes, there was.

5 Q. Did you have a role in that?

6 A. As an observer. It was after dinner.

7 And James gives a speech about playing full on.

8 And so he had the group outside the dining hall.

9 And there is a hill up close to the dining hall

10 where they set up to do that. I had done it the

11 year before. And so yeah. I observed them doing
12 that process.

13 Q. Did you shave your head the year before
14 in 2008?

15 A. I shave my head every day.

16 Q. Did you shave your head before the event
17 in 2008?

18 A. In 2008?

19 Q. Yes.

20 A. Yeah. I had done it. Actually, in 2008
21 in support I cut my -- my beard off.

22 Q. In 2008 do you recall whether Mr. Ray
23 shaved his head?

24 A. He had come with his haircut. He had a
25 hat on when he did his speech. He took his hat off

1 and showed everybody that his hair was cut as low
2 as he was going to have it cut. But it was cut in
3 a fashion that was similar to how people ended up.

4 Q. That was 2008?

5 A. 2008.

6 Q. And in 2009 did you observe whether
7 Mr. Ray shaved his head?

8 A. No. He did not shave his head.

9 Q. Did he make any statement about it?

10 A. Yes, he did. He said that he had been
11 there and done that and he wasn't going to shave
12 his head, which I thought was a red flag.

13 Q. A red flag for what?

14 MR. KELLY: Your Honor, objection.

15 THE COURT: Sustained.

16 Q. BY MS. POLK: You said that Mr. Ray
17 talked about playing full on when he described the
18 head-shaving event. Specifically what do you
19 recall Mr. Ray saying in 2009?

20 A. In 2009?

21 Q. Yes.

22 A. In 2009 he said that you're here to play
23 full on. You're here to -- you know -- you spent
24 the money. You spent a lot of money, and you
25 should play full on and play a bigger game. That's

1 the only way you're going to get anywhere in life.

2 So that was pretty much his comments. I
3 can't remember specifically more than that.

4 Q. Did you observe in 2009 how many people
5 shaved their heads?

6 A. In 2009 which was -- I would say that 60
7 to 70 percent of the people went running up the
8 hill, which was different than 2008.

9 Q. And how was that different?

10 A. What was different in 2008 is people were
11 more -- they were different. Their level of what I
12 call "testosterone" was lower. They weren't so
13 gung ho. In 2009, I believe, it was -- what's his
14 name? Big, tall guy from Washington went sprinting
15 up the hill. And almost the whole group was up
16 there.

17 And so I went up there, and I looked back
18 down at the bottom. There was three or four people
19 standing there that -- milling around where the
20 year before there was probably around 20, 30
21 people.

22 Q. That big, tall guy. Do you recall
23 someone named Scott Barratt?

24 A. That's correct.

25 Q. You testified a little bit already about

1 the Holotropic Breathwork. Did that also occur in
2 Spiritual Warrior 2009?

3 A. Yes, it did.

4 Q. Did you have a roll in that exercise?

5 A. Yes, I did.

6 Q. What was your role?

7 A. Actually, to go around in the center --
8 all the people were laying down. And we had
9 maracas that we were shaking. Of course, the music
10 is really loud. And just to see -- you know -- if
11 anybody needed to get up and go to the bathroom.
12 They were allowed to raise their hand. I was there
13 to do that. But that's pretty much it.

14 Q. I want to ask you a couple quick
15 questions about the Samurai Game. First of all,
16 in 2008 had you played it?

17 A. Yes, I did.

18 Q. And then in 2009 as a Dream Team member,
19 did you have a role?

20 A. Yes, I did. My role was the angel of
21 death.

22 Q. And explain to the jury what that meant.

23 A. Well, in the game people would die at
24 various points of the game. And they would be
25 moved into -- depending on where we were at the

1 time, whether it was the Crystal Hall -- because
2 the game was all day long. Whether it was in the
3 lunchroom, they would have to be moved to the
4 Crystal Hall.

5 And then eventually when the warrior game
6 was done, they had to be moved to the graveyard in
7 the big tent, the heart pavilion.

8 Q. Did you have a role in moving them?

9 A. Yeah. It was just -- they were to put
10 their hands on your back and keep their head down,
11 and they would walk behind you and be guided to
12 wherever you were going to go.

13 Q. Did you come to know someone named Kirby
14 Brown during the week?

15 A. Yes. In fact, the first time I met Kirby
16 Brown, she was the last person that I checked in at
17 the first day. She came from -- she had driven
18 from down in Mexico, where she was living.

19 I gave her a big hug. She was a very
20 vivacious person. And she quickly filled out the
21 paperwork so that she could get to dinner. Because
22 she was happy that she had made it there on time.

23 Q. During the Samurai Game were you aware of
24 Kirby Brown at any point?

25 A. I was aware that she was -- I wasn't in

1 close contact with her. I didn't really see her
2 until after the Samurai Game was done and she
3 was -- I seen her there, and she was shaking like
4 she was cold.

5 Q. Where was it that you saw Kirby after the
6 Samurai Game?

7 A. It was outside the heart pavilion.

8 Q. Was the code of silence in place?

9 A. Yes, it was.

10 Q. And when you saw Kirby, was the code of
11 silence in place?

12 A. Yes.

13 Q. And were any words exchanged between the
14 two of you?

15 A. No.

16 Q. What did you observe about her?

17 A. Kirby Brown?

18 Q. Yes.

19 A. That she was shaking, that she looked
20 like somebody who was really cold.

21 Q. Did you see where she went after that
22 brief encounter you had with her?

23 A. No, I did not. I did not. I was
24 responsible for a group of other people. And so I
25 was focusing on them.

1 Q. I'm going to refer to the syntax. That
 2 is Exhibit 253. And I'm going to put up on the
 3 overhead Bates 2432.
 4 THE REPORTER: Could you repeat that.
 5 MS. POLK: It's Bates 2432.
 6 Q. Are you able to read that?
 7 A. Yes.
 8 Q. Under here where it says, JRI things to
 9 be continued, angel of death must stay behind with
 10 the dead, cover with blankets, turn up AC.
 11 A. Okay.
 12 Q. First of all, you were an angel of death?
 13 A. Yes.
 14 Q. Are you the one angel of death that had
 15 to stay behind with the dead? Or do you know?
 16 A. Stay behind with the dead.
 17 Q. Actually says, one angel of death must
 18 stay behind with the dead.
 19 A. No, I was not.
 20 Q. Were you ever in an area where those dead
 21 were covered with blankets?
 22 A. Yes.
 23 Q. And were you ever involved in turning up
 24 the air conditioning?
 25 A. No, I was not.

1 Q. Were you aware that that was happening?
 2 A. I had no idea that was happening.
 3 Q. The next line says, angels must scout at
 4 dinner to catch any dead and bring them back to
 5 Crystal Hall.
 6 Do you know what that means?
 7 A. Yes. You -- if somebody looked at a
 8 ninja, made eye contact, they were supposed to die
 9 right on the spot. So -- or if they spoke, they
 10 were supposed to die right on the spot.
 11 So at dinner time if somebody did that,
 12 they would die right on the spot. And then you
 13 were responsible to get them up and, like I
 14 explained before, have them put their hands on your
 15 back and take them to the Crystal Hall. Because we
 16 were still going to be doing things at the Crystal
 17 Hall.
 18 Q. And do you have any recollection today,
 19 Mr. Rock, of Mr. Shore during the Samurai Game?
 20 A. No. I really don't.
 21 Q. Did you know someone named Bill Leversee?
 22 A. Yes, I did.
 23 Q. And how did you know Bill?
 24 A. I met him. I checked him in the first
 25 day.

1 Q. Did you become aware of Bill during the
 2 Samurai Game?
 3 A. Yes. Bill was the domeo of one of the
 4 teams. That means he was the head of the team.
 5 Yes. I was aware of him.
 6 Q. Were you present when the Samurai Game
 7 ended in 2009?
 8 A. Yes, I was.
 9 Q. About what time was it when the Samurai
 10 Game ended?
 11 A. It was -- I don't know. It was late. I
 12 believe it was, like, 10:00 o'clock. I'm not
 13 exactly sure.
 14 Q. Do you know whether those who died were
 15 able to get dinner that night?
 16 A. If you died before dinner, you didn't get
 17 dinner.
 18 Q. And for those who died, were they able to
 19 move?
 20 A. No. They were to stay put. Otherwise if
 21 they moved, one of the surviving team members would
 22 be -- would then have to die. Because it was about
 23 being impeccable and playing dead as you -- as a
 24 samurai.
 25 Q. Were you aware of how the game ended?

1 A. Yes, I was.
 2 Q. And tell the jury how it ended.
 3 A. Well, towards the end of the game -- the
 4 game was played differently than it was the year
 5 before. There was a lot more support in 2008 from
 6 the team members. And it was the -- in 2009 the
 7 team members were all huddled around their domeo
 8 trying to protect him.
 9 And James made a statement that said --
 10 he said -- he kind of stopped the game and made a
 11 statement that you're all so concerned with dying,
 12 you're not living, is what he said. Because when
 13 one of their challengers would go out and challenge
 14 the other person, the team members weren't there to
 15 cheer him on. They were all hiding by their domeo.
 16 So I think at that time that Bill
 17 Leversee decided that was not honorable. And so he
 18 committed hari-kari and killed himself, which then
 19 meant that all his team had to die. And then the
 20 game was over.
 21 Q. What did Mr. Ray do, if anything, after
 22 all of Bill Leversee's team died or killed
 23 themselves?
 24 A. Well, as he did the year before, the fact
 25 that he was God, and God to could do anything he

1 **wanted, he then quickly killed all the other people**
2 **of the winning team.**

3 Q. Was anybody left surviving at the end of
4 the game?

5 A. No.

6 Q. Were you aware of anybody leaving at some
7 point during that game?

8 A. Anybody what?

9 Q. Of any participants leaving at some
10 point --

11 A. Yes. There was two sisters that left.
12 They had died early. They had died before dinner.
13 They were very upset because they didn't get
14 dinner, I think, is part of it. And also they were
15 complaining that they didn't know the rules of the
16 game. And so they actually went outside of the
17 Crystal Hall. And Megan and Josh were trying to
18 keep them from leaving.

19 MR. KELLY: Your Honor, I'm going to object.

20 THE WITNESS: But they left.

21 MR. KELLY: Hearsay basis of this information.

22 THE WITNESS: I was actually there.

23 THE COURT: Just a minute, Mr. Rock.

24 MR. KELLY: It's cumulative.

25 THE COURT: There is hearsay in there.

1 Sustained.

2 MR. KELLY: Judge, I don't know if it's time
3 for the evening break. We have some scheduling
4 matters we would like to discuss.

5 THE COURT: I might take those up early
6 tomorrow morning.

7 Ms. Polk, you may continue.

8 MS. POLK: Thank you.

9 Q. Where were you when the two sisters --
10 when you became aware of the two sisters?

11 A. There is a little tent outside of the
12 Crystal Hall. And there is chairs around it for
13 where you can take your shoes on and off and gather
14 your things. And it was dark. It was nighttime.
15 And they were out there in that tent. And I was
16 standing inside the tent. And I know that Josh was
17 coming in and Megan was coming in. And they were
18 both trying to talk to these people, calm down.
19 And Megan had expressed to me she didn't want them
20 to leave.

21 MR. KELLY: Objection. Hearsay.

22 THE COURT: Sustained.

23 MS. POLK: And without telling me what they
24 said, without telling us what Megan or Josh said,
25 how long did you see Megan and Josh interact with

1 the sisters?

2 THE WITNESS: It was a while. It was, like,
3 20 minutes or better.

4 Q. BY MR. POLK: And what was the demeanor
5 of the sisters? Again, without telling us what
6 people said, what was their demeanor?

7 A. They were very agitated and adamant about
8 leaving.

9 Q. Following the Samurai Game, we've heard
10 testimony about the Vision Quest. First of all,
11 you participated in the Vision Quest in 2008?

12 A. Correct.

13 Q. And in 2009 you had a different role?

14 A. Yes.

15 Q. During 2009 Vision Quest did you have any
16 interaction -- any interaction with Mr. Ray?

17 A. During the Vision Quest? Yes. I did
18 have interaction with him.

19 Q. And let me ask you this question: We've
20 heard testimony about how participants fasted from
21 both food and the water for 36 hours. Do you have
22 personal knowledge whether or not Mr. Ray himself
23 fasted during the Vision Quest in 2009?

24 A. I did not. No.

25 Q. What about Mr. Ray? Do you know if he

1 fasted?

2 A. What was the first question? I'm sorry.

3 Q. Do you know if Mr. Ray ate or drank
4 during the 36 hours that participants were on the
5 Vision Quest?

6 A. No. I didn't see him during any meals or
7 anything like that. No.

8 Q. You didn't have breakfast with him?

9 A. No. I didn't have breakfast -- he had
10 left for the day to meet somebody.

11 Q. He left the property?

12 A. Yes. That's what I was told. Because I
13 didn't see him.

14 Q. During the Vision Quest, then, what did
15 you do?

16 A. Well, during the Vision Quest the -- all
17 the ladies in the Vision Quest -- I'm sorry. The
18 Dream Team member ladies wanted to go into town.
19 And they all wanted to go together. And so Josh
20 Bennett and I stayed during the day so that they
21 could all go into town and have some down time.
22 And they were to be back, I think it was, by
23 3:00 o'clock.

24 And before I left, I asked them if there
25 was anything I could bring back with me for them.

1 And so I brought some chocolate from the Chocolate
2 Tree, and I bought a couple bottles of wine because
3 that's what they said they wanted. And one of the
4 people that said that was Melinda Martin.

5 Q. Did you bring that back to the ladies?

6 A. Yes, I did.

7 Q. About what time?

8 A. It was late. I had gone to dinner at
9 Picasso's. And it was later in the evening,
10 probably around 8:00, I believe.

11 Q. At some point did you gather with the
12 other Dream Team members in the dining room?

13 A. Yes, I did.

14 Q. And do you recall if the wine was opened?

15 A. Yes. When I came back and I approached
16 the dining hall, I could see in the dining hall.
17 And I was a little apprehensive about the wine,
18 because I didn't know -- really know if it was
19 okay.

20 So I walked up. And I saw the ladies all
21 sitting there. They had wine in a glass and some
22 wine bottles on the table. And so I had my wine
23 and chocolates.

24 And I saw from the other side of the
25 dining hall James Ray coming in. And he looked

1 normal at that time. And so I walked in with the
2 wine and walked right over to the counter and set
3 the wine down and turned around.

4 And that's when James Ray proceeded to
5 interrogate -- might be too strong of a word. But
6 seriously question what was going on. I thought
7 that was grape juice. I guess he had seen the
8 bottles earlier in the day from what the girls
9 said.

10 Q. Who said, I thought that was grape juice?

11 A. I believe it was James Ray.

12 Q. And what was Mr. Ray's demeanor during
13 this conversation?

14 A. He was stern. He definitely gave an
15 impression that -- you know -- you guys shouldn't
16 be doing that. But it wasn't like -- you know --
17 take it off the table right this second. It was
18 just like -- you know -- I don't think you should
19 be doing that. You should be holding space for the
20 people that are out on the Vision Quest.

21 Q. How long were you with the ladies in the
22 dining room?

23 A. Probably till 10:00 o'clock that night.
24 James Ray came back.

25 Q. And what happened when he came back?

1 A. When he came back, he was very upset
2 because they hadn't taken that all away. And then
3 he started in on them about it and showed that he
4 was very unhappy with what they were doing and said
5 they had woke him up, and they're making noise, and
6 it's not what they're supposed to be here for.
7 They're supposed to be taking care of these people
8 and holding space for them. So he got quite upset.

9 Q. Do you recall whether Liz Neuman was
10 there when this went on?

11 A. Yes.

12 Q. And do you recall whether she spoke up?

13 A. No. I don't recall her speaking up. No.

14 Q. Do you recall whether any of the Dream
15 Team members -- well, did Mr. Ray leave? After
16 that, after coming back, did he leave again?

17 A. Yes, he did.

18 Q. And were you there with the Dream Team
19 members still?

20 A. Yes.

21 Q. How did the Dream Team members react?

22 A. They were pretty much like -- you know --
23 we're just having a glass of wine. We're not
24 getting drunk. They were kind of upset that he was
25 all over them about it. And they said -- you

1 know -- he saw the bottles there earlier.

2 MR. KELLY: Objection. Hearsay.

3 THE COURT: There was hearsay there.

4 Sustained.

5 Q. BY MS. POLK: Without telling us what
6 people said, what was the general demeanor of the
7 Dream Team members after that last encounter with
8 Mr. Ray?

9 A. Well, some were upset that James was
10 upset, demeanorwise. Jennifer Haley, who is a
11 feisty person, was upset at James, by her demeanor.

12 Q. Did the party break up at that point?

13 A. No, it did not. Christina Jobe went and
14 got James because they wanted to talk about this
15 issue further and clear the air so that everything
16 was okay. And so they had cleared the bottles of
17 wine away and cleaned up the place and had James
18 come back out and tried to explain their position.

19 MR. KELLY: Your Honor, this is complete
20 hearsay, object.

21 THE COURT: Overruled.

22 Q. BY MS. POLK: And, again, without telling
23 us what participants said --

24 A. You mean Dream Team members.

25 Q. I'm sorry. Dream Team members. Yes.

1 Did Mr. Ray say anything during that third
2 encounter?

3 **A. Mr. Ray wasn't enjoying what he heard.**
4 **And so he said that he could leave and end this**
5 **conversation right now, which I took as meaning**
6 **that he was still upset and that this wasn't**
7 **resolved.**

8 **Q.** And did he leave?

9 **A. No, he did not. He stayed, and things**
10 **calmed down a little bit, and then he went. So it**
11 **seemed like it was resolved to some extent even**
12 **though --**

13 MS. POLK: And, Your Honor, this is probably a
14 good time to wrap it up for the day.

15 THE COURT: We'll do that.

16 Ladies and gentlemen, we'll take the
17 evening recess. Remember the admonition, of
18 course. And please be here at the usual time, at
19 9:15, tomorrow.

20 I do want to remind people that next week
21 because of the holiday, trial will take place
22 Wednesday, Thursday and Friday. It won't be on
23 Tuesday. I have calendars normally held on Monday.
24 And that can't be done when there is a long
25 weekend. So Tuesday becomes Monday for me. So

1 we'll have trial next Wednesday. That's the first
2 day of next week.

3 And, Mr. Rock, you're excused at this
4 time too. Remember that rule of exclusion I talked
5 to you about earlier.

6 I'm going to ask the jury, Mr. Rock,
7 please excuse yourselves.

8 I'm going to ask the parties remain a
9 moment.

10 (Proceedings continued outside presence
11 of jury.)

12 THE COURT: Mr. Kelly, you had mentioned
13 wanting to discuss scheduling. If you want to give
14 a sketch of that, what your concern is.

15 MR. KELLY: Judge, our concern is when to
16 schedule our witnesses. And the most recent
17 communication from the state indicates that the
18 remaining state's witnesses are Sean Ronan, Kim
19 Brinkley and Dawn Gordon. They indicated they may
20 call Sidney Spencer.

21 But if it is only those three that I
22 initially identified, then, of course, we're going
23 to have a Rule 20 motion that we would ask some
24 court time to argue. And what we're trying to get
25 a feeling for is when to notify our witnesses.

1 THE COURT: Ms. Polk, you say you have three
2 and possibly a fourth witness to go?

3 MS. POLK: Yes, Your Honor.

4 THE COURT: What's your thought about how much
5 time you would want to have for those witnesses?

6 MS. POLK: Your Honor, it seems to me we ought
7 to be able to conclude by the end of next week.

8 THE COURT: Mr. Kelly, how does that fit with
9 what you intend to do? Your witness is here, and
10 how much time do you think you would need to
11 present your case?

12 MR. KELLY: Judge, I'm not certain as to that
13 last question, but I believe it answers our
14 question in regard to when we would make available
15 our first witness. If the state concludes a week
16 from this Friday, then we'd have a witness the
17 following Tuesday. I believe given your
18 schedule -- I don't have a calendar. I don't know
19 the dates. In terms of the numbers, I'm going to
20 allow Mr. Li to address that.

21 MR. LI: We have to consider it, Your Honor,
22 and see how the last few witnesses go. But I think
23 our initial estimate still stands, which was about
24 a week, give or take.

25 The other issue, though, just so we're

1 clear, is the Rule 20. First of all, I want to
2 thank the Court for giving me the opportunity to --
3 for the last couple weeks to go to China.

4 THE COURT: Of course.

5 MR. LI: The other issue is the Rule 20. If
6 the state is resting on Friday, then we'd have
7 papers on file either Friday or very shortly
8 thereafter. And then we'd like some guidance as to
9 how and when to argue that motion as well.

10 THE COURT: I want people to look closely at
11 anticipated cases and how much time do you think
12 you would want to have for oral argument on a
13 Rule 20. You're indicating you intend to file
14 something?

15 MR. LI: Yes, Your Honor.

16 THE COURT: Even the weekend before Ms. Polk
17 has completed her case --

18 MR. LI: Some of it just depends on what
19 happens in the last couple -- the next few days and
20 the next week. Some of those things may have to be
21 incorporated in any motion.

22 And we've been working on it for the last
23 however many weeks, dealing with a lot of the legal
24 issues that we've been raising over the last few
25 months.

1 But we would try to get it in as timely
2 as possible. I would have to check with the team
3 to try to find out exactly when we would have it on
4 file. But we try to time it as closely as possible
5 to the end of the state's case.

6 And one of the issues is this: That the
7 rule requires a ruling on the Rule 20 before -- as
8 the Court is aware, before the start of the defense
9 case. And so we just -- it's only scheduling.
10 We're just trying to figure out when we would need
11 to bring people in and all of those sorts of
12 issues.

13 THE COURT: My preference would be to have the
14 state's case completed next week and also the
15 Rule 20 presented so I can consider that. That
16 would be my preference. If that's realistic or
17 not --

18 I would hope it would be, Ms. Polk. Go
19 ahead.

20 MS. POLK: Your Honor, I would ask that the
21 defense not be allowed to submit a Rule 20 in
22 writing. It is not viewed as a pleading. They're
23 talking about something that they've been working
24 on that they would spring on us. And how would the
25 state even be in a position to respond?

1 Rule 20s are contemplated they would be
2 verbal. It's contemplated that there would be a
3 speedy ruling by the Court. And it puts the state
4 at a significant disadvantage if this Court is
5 going to allow a written pleading. And then what
6 happens with the state's ability to respond? And
7 then is there going to be time for defense to
8 reply?

9 I believe that the Court has the
10 authority to direct that the Rule 20 be verbal and
11 not allow extensive pleadings in the area. And I
12 would ask the Court to do that.

13 THE COURT: I think a party is entitled to
14 make the record the party wants to make in whatever
15 form. And, of course, a Rule 20 concerns whether
16 or not there is substantial evidence as to
17 elements. So that's one thing that can be covered.

18 Mr. Li has already indicated that there
19 might be issues outside of purely looking at the
20 elements, specifically First Amendment.

21 You've indicated that's something being
22 raised in the First Amendment context.

23 So what I'm saying, Ms. Polk, is the
24 state could also be preparing a pleading as well.
25 I'm going to allow oral argument. And obviously

1 that's how it does normally happen. But I do think
2 that parties are entitled, both parties obviously,
3 to make the record they want to make. So there can
4 be contemporaneous filing.

5 But we do need to recess. It's past
6 5:00. I'd ask the parties be here at quarter to
7 9:00 so we can discuss scheduling further if
8 necessary.

9 Thank you.
10 (The proceedings concluded.)
11
12

1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss: REPORTER'S CERTIFICATE
3

4 I, Mina G. Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript.

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 31st day of May, 2011.
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25 CA CSR No. 8335

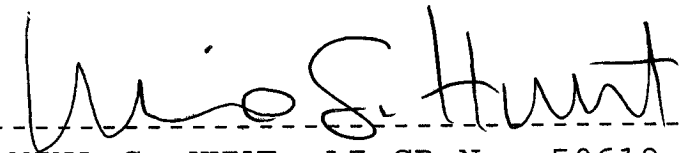
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25 CA CSR No. 8335